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07.07.2025
Ct.19

W.P.A. 11652 of 2025

Sk. Abdus Samad & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Amar Nath Sen
Mr. Shouvik Naskar

....for the petitioner.

Mr. Salil Kumar Maiti
Ms. Dolan Samanta

....for the respondent no. 8.

Mr. Ashim Kumar Ganguly
Mr. Bellal Shaikh

....for the State.

1. The affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. On behalf of the State respondent, a report dated 11th June, 2025 as prepared by the respondent no. 6 authority herein is filed and the same is also taken on record.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities for considering the representation dated 16th April, 2025, a copy of which has been annexed

at pages 28 to 32 of the instant writ petition.

4. At the time of hearing, learned advocate for the writ petitioner, at the very outset, draws attention of this Court to page 17 of the instant writ petition being a copy of a land loser certificate dated 29th August, 1991 as issued in the name of writ petitioner on account of acquisition of land particulars of which has been mentioned in the schedule of the said certificate.
5. In course of hearing, Mr. Sen, learned advocate appearing on behalf of the petitioner places his reliance upon copies of two memos dated 20th April, 1993 and 17th October, 1997 as issued by the Government of West Bengal which have been annexed at page nos. 18 to 20 of the instant writ petition. It is submitted by Mr. Sen that from the copies of the aforementioned two memos it would reveal that it was the policy decision of the respondent State and its instrumentalities to provide homestead land to the land losers whose

homestead lands have been acquired.

6. It is contended that under cover of the representation dated 16th April, 2025, the writ petitioners being the legal heirs of the original land looser have prayed for grant of benefit pursuant to the said memos dated 20th April, 1993 and 17th October, 1997.

7. Per contra, Mr. Shaikh, learned advocate appearing on behalf of the respondent State and duly led by Mr. Ganguly, learned AGP at the very outset draws attention of this Court to the memo dated 19th November, 1988 as issued by the Labour Department, Government of West Bengal. It is contended that the said memo dated 19th November, 1988 clearly indicates the following:

“4(ii) Rehabilitation assistance will be limited to those whose land or homesteads are acquired provided they are themselves cultivating those lands or residing in the homesteads.”

8. At this juncture, Mr. Shaikh, learned

advocate appearing for the respondent State further draws attention of this Court to page no. 2 of the report as filed today. It is submitted that while considering the case of the writ petitioners it has been noticed that at the time of acquisition, the original land looser i.e. the father of the present writ petitioners was not ordinarily residing at the acquired mouza and on the contrary he was a permanent resident of another mouza i.e. at mouza Barghasipur. It is thus submitted that for the aforesaid reason the writ petitioner is not entitled to any relief as prayed for.

9. Mr. Maity, learned advocate appearing on behalf of the respondent no. 8 contended that the writ petitioner approached before this Court after a considerable delay and the writ petitioners have miserably failed to explain the delay and laches in approaching this writ petition.
10. Considering the entire materials as placed before this Court and after hearing the learned advocates of the

contending parties, it appears to this Court that sufficient materials have been placed before this Court on behalf of the respondent State and its instrumentalities that at the time of enquiry it was noticed that the original land looser was non-resident of the acquired plot of land and at that material time he was a permanent resident of another mouza. It thus appears to this Court that the respondent State and its instrumentalities came to a factual finding that the writ petitioners predecessor-in-interest and/or writ petitioners herein are not entitled to get any alternative homestead land in view of clause 4 (ii) of the memo dated 19th November, 1988.

11. Though Mr. Sen, learned advocate appearing on behalf of the writ petitioner disputed the contention of Mr. Shaikh, however, this Court finds no justification in interfering with the said finding of the respondent no. 6 authority inasmuch as in a judicial review this

Court is not supposed to act as an appellate Court especially when no material is forthcoming on behalf of the writ petitioner that the factual finding as arrived by the respondent no. 6 authority is otherwise perverse and/or vitiated on account of non-consideration of some relevant materials, which are not available on record and/or consideration of extraneous substances which are not relevant for the purpose of such enquiry.

12. This Court thus finds no reason to interfere with the finding of the respondent no. 6 authority.

13. With the aforementioned observation, WPA 11652 of 2025 stands dismissed without any order as to costs.

(Partha Sarathi Sen, J.)