

N.22Sl
151/CL

WPA 12834 of 2025

10.09.2025
SL-15
Ct.19
(S.R.)

Bholanath Mukherjee & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Mukteswar Maity
Mr. Prabir Rej
Mr. Pranab Kumar Das
Ms. Nupur Choudhuri ... for the petitioners.

Mr. Suman Sengupta
Ms. Amrita Panja Maulick
Mr. Suddhadeb Adak
Mr. D. Basu Mallick ... for the State.

1. The writ petitioners and the respondent/State and its instrumentalities are represented by their respective counsels.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically, against the respondent no.2/authority commanding him to quash and/or set aside the order dated 16.10.2023, as passed by the respondent no.2/authority, in a miscellaneous proceeding pursuant to an order dated 26.06.2023 passed by a Coordinate Bench of this Court in WPA 14257 of 2018.
3. At the time of hearing, Mr. Maity, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page

nos.35 to 37 of the instant writ petition, being copies of several orders as passed by the respondent no.2/authority in the aforementioned miscellaneous proceeding. It is submitted by Mr. Maity that from the impugned order dated 16.10.2023, it would reveal that the respondent no.2/authority without assigning any reason whatsoever passed the order under challenge denying the prayer of the writ petitioners to make a reference within the meaning of Section 18 of the Act 1 of 1894.

4. It is further submitted by Mr. Maity that despite filing the relevant RSROR, the respondent no.2/authority declined to consider such record of right as stood in the name of the predecessors-in-interest of the present writ petitioners and on the contrary, the said respondent no.2/authority must illogically relied upon a status report dated 11.05.2010, as submitted by the respondent no.4/authority causing serious miscarriage of justice, for which interference of this Court in judicial review is very much required.
5. Per contra, Mr. Sengupta duly assisted by Mr. Adak, learned advocates appearing on behalf of the respondent/State at the very outset questioned the *locus standi* of the writ petitioner. It is submitted by Mr. Sengupta that by no stretch of imagination,

it can be said that the present writ petitioners are in any way interested parties to the said acquisition process, which is the subject matter of miscellaneous proceeding as disposed of by the respondent no.2/authority.

6. On careful consideration of the entire materials, as placed before this Court, and after hearing the learned advocates for the contending parties, this Court proposes to look to the provisions of Section 18 of Act 1 of 1984, which is as follows: -

“18. Reference to Court. – (1) *Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.*

(2).....”

7. On careful perusal of Section 18 of the said Act of 1984, it reveals that it is the legislative mandate that in the event any person interested has not accepted the award, he may by filing a written application with the Collector require that the matter be referred by the Collector for the determination of the Court with regard to his objection regarding measurement of the acquired land, the amount of compensation, the persons to

whom it is payable, or the apportionment of the compensation among the person interested.

8. Keeping in mind the aforementioned legislative provisions, if I look to the order under challenge dated 16.10.2023, as passed by the respondent no.2/authority, it appears to this Court that the respondent no.2/authority while considering the application under Section 18 of the said Act of 1984 (a copy of such has been annexed at page nos.24 to 26 of the instant writ petition) came to a finding that at the relevant time, the LR records were recorded in the name of WBIDC.
9. At this juncture, if I look to the application under Section 18 of the said Act of 1894, as submitted by the writ petitioners, it reveals to this Court that it is the grievance of the writ petitioners that on account of wrong recording, the names of the writ petitioners and/or their predecessors-in-interest were not found in the LR record for which the writ petitioners have made an application before the jurisdictional BL&LRO. However, despite filing such application for correction no favourable order was passed by the said jurisdictional BL&LRO and, thus, the writ petitioners have approached before the learned Land Reforms and Tenancy Tribunal by filing OA No.2814 of 2007, wherein the said Tribunal directed the present writ petitioners to

approach the self-same jurisdictional BL&LRO keeping the dispute open.

10. It, thus, appears to this Court that for some reasons and other, the writ petitioners could not substantiate before the respondent no.2/authority herein that the present writ petitioners come under the purview of 'any person interested' since the names of the writ petitioners were not recorded in the record of right at the time of acquisition.
11. In view of such, this Court, thus, finds no illegality and/or irregularity on the part of the respondent no.2/authority while passing the order under challenge dated 16.10.2023 thereby declining to make reference under Section 18 of the said Act of 1894.
12. With the aforementioned observations, **WPA 12834 of 2025** is disposed of.
13. There shall, however, be no order as to costs.
14. Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Sen, J.)