

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. No. 967 of 2024

The State of West Bengal & Ors.
vs.
Gourhari Maity & Ors.

For the Appellants : Md. Galib, Sr. Govt. Adv.,
Mr. Tanmoy Chakraborty

For the State : Mr. Partha Pratim Roy
Mr. Samrat Chakraborty

Heard & Judgment on : **July 14, 2025**

DEBANGSU BASAK, J.:-

1. The appeal is at the behest of the State of West Bengal and its functionaries. It is directed against the judgment and order dated January 9, 2023 passed in WPA 14387 of 2013.
2. By the impugned judgment and order, learned Single Judge directed acquisition of the land consumed for a public purpose by invoking the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
3. Learned Advocate for the appellants submits that the appellants are entitled to undertake direct purchase of the land concerned. He

submits that Irrigation Department consumed the land for the purpose of constructing a retired embankment. He submits that the Irrigation Department by a letter dated July 14, 2025 agreed to purchase the land belonging to the writ petitioner following the direct purchase policy of the State of West Bengal in terms of the Memorandum bearing No.756-LP/1A-03/14(Pt-II) dated February 25, 2016 of the Land and Land Reforms Tribunal.

4. Learned Advocate appearing for the writ petitioner/private respondent submits that his client is agreeable to the direct purchase provided that the valuation of the land as determined from the office of the Registrar of Assurances as the market price of such land is paid to the writ petitioner/private respondent.
5. In the facts and circumstances of the present case, it is indisputable that the land belonging to the writ petitioner/private respondent was consumed for the purpose of building a retired embankment without initiating any proceedings for requisition or acquisition.
6. Land of the writ petitioner therefore stands consumed.
7. Learned Single Judge directed initiation of proceedings under the Act of 2013.
8. In our view, in addition to initiation of proceedings under the Act of 2013, appellants are entitled to purchase the land directly from the writ petitioner/private respondent in terms of its policy dated February 25, 2016.
9. In such circumstances, we modify the impugned judgment and order dated January 9, 2023. In addition to the appellants being entitled to invoke the Act of 2013, the appellants may purchase the land of the

writ petitioner/private respondent through direct purchase in terms of the direct purchase policy of the State dated February 25, 2016. In the event, the appellants decide to purchase the land of the writ petitioner/private respondent on direct purchase basis then the compensation amount payable to the writ petitioner/private respondent will be determined on the basis of the market value of the land as appearing in the office of the Registrar of Assurances, within four weeks from the date of presentations of the deed of conveyance.

10. MAT 967 of 2024 along with all connected applications are disposed of.

(Debangsu Basak, J.)

11. I agree

S.D.

(Md. Shabbar Rashidi, J.)