

N.22Sl
151/CL

WPA 14116 of 2025

Smt. Kalpana Sanyal & Ors.

-vs-

State of West Bengal & Ors.

02.09.2025
SL-13
Ct.19
(S.R.)

Mr. Subhasish Pachhal ... for the petitioners.

Mr. Ayan Banerjee
Mr. Nikhil Kumar Gupta ... for the State.

Mr. Satyajit Talukder
Mr. Arindam Chatterjee ... for the respondent/KMDA.

1. The writ petitioners, the respondent/State and its instrumentalities and the KMDA authority 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 no.6 commanding him to pay adequate compensation with a further prayer to return the unutilized property as has been acquired in connection with LA Case No.67 (Act-II) of 1975-1976 on account of acquisition of the properties of the predecessor-in-interest to the present writ petitioners, particulars of which, have been mentioned in paragraph 2 of the instant writ petition
3. At the time of hearing, Mr. Pachhal, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page nos.45 to 48 of the instant writ petition, being a copy of letter dated 06.03.2025, as written by the learned advocate

of the writ petitioners, whereby and whereunder the respondent no.3/authority was requested to make payment to the writ petitioners adequate compensation in respect of acquisition of the four properties being HMC holding nos.21, 23, 27 and 28 Brojonath Lahiri Lane, Howrah – 711 104 belonging to the writ petitioners.

4. Drawing attention to page no.50 of the instant writ petition, being a copy of the letter dated 21.01.2025, as issued by the SPIO and Additional Land Acquisition Officer (Howrah Improvement Trust) Howrah, it is submitted by Mr. Pachhal that from the said letter dated 21.01.2025 it would reveal that the respondent authorities had accepted that the aforementioned four properties of the writ petitioners were acquired and final award was passed in respect of HMC Holding Nos.26 and 27 Brojonath Lahiri Land, and award on *ad hoc* basis was passed in respect of HMC Holding Nos.21 and 23, Brojonath Lahiri Lane.
5. It is, thus, submitted by Mr. Pachhal that since in respect of the aforementioned four properties final award was not passed and since the lifetime of Act-II of 1948 has already expired, the writ petitioners are entitled to adequate compensation in terms of provisions of Act XXX of 2013.
6. It is, thus, submitted by Mr. Panchhal, that appropriate relief/reliefs may be granted to the writ

petitioners in terms of the prayers as made in the instant writ petition.

7. Per contra, Mr. Talukder, learned advocate appearing on behalf of the KMDA at the very outset draws attention of this Court to page nos.28 to 37 of the instant writ petition, being copies of different awards as passed in connection with different land acquisition cases on account of acquisition of HMC Holding Nos. 21, 23 and 28 Brojonath Lahiri Lane, Howrah.
8. It is submitted by Mr. Talukder that from the copies of the said award, it would reveal that in respect of the aforementioned three properties final award was passed and the same was duly disbursed to the writ petitioners, as would be revealed from the endorsement as available in such award.
9. It is, thus, submitted by Mr. Talukder that in view of declaration and disbursement of the award in respect of the aforementioned holdings, the writ petitioners are not entitled to any further relief, as prayed for.
10. In his next limb of submission, Mr. Talukder contended that the writ petitioners are also not entitled to any relief, as prayed for, on account of inordinate delay in approaching this Court by exercising the writ jurisdiction of this Court, which is highly prerogative in nature.
11. It is, thus, contended by Mr. Talukder that the instant writ petition is devoid of any merit and, is thus, liable

to be dismissed.

12. While supporting the contention of Mr. Talukder, Mr. Ayan Banerjee, learned advocate appearing on behalf of the respondent/State places his reliance upon the report dated 12.08.2025, as received by him from the Additional Land Acquisition Officer, (Howrah Improvement Trust, Howrah). The said report dated 12.08.2025 is taken on record.
13. It is submitted by Mr. Banerjee that from the last portion of page nos.2 and 3 of the said memo dated 12.08.2025, it would reveal that in respect of HMC Holding Nos.21, 23 and 28, Brojonath Lahiri Lane 80% *ad hoc* amount of award compensation was paid to the land losers at the time of requisition of the land and the balance amount was paid to the writ petitioners, in accordance with law, by adding solatium interest over the amount remaining after deduction of the 80% payment.
14. In this regard Mr. Banerjee places his reliance upon Annexures A-8 and A-9 of the said memo dated 12.08.2019.
15. It is further submitted by Mr. Banerjee that from page no.2 of the said memo dated 12.08.2025, it would reveal that in respect of HMC holding no.27, Brojonath Lahiri Lane, LA Case No.67/12 of 1975-76 under Act II of 1948 was initiated and 80% *ad hoc* amount of awarded compensation was paid to the

land losers at the time of requisitions of the land and the balance payment was made in terms of the final award under Section 9(3A) under the Amendment Act of 1997. In this regard, Mr. Banerjee places his reliance upon Annexure A-4 of the said memo dated 12.08.2025.

16. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds sufficient justification in the submissions of Mr. Talukder and Mr. Banerjee inasmuch as sufficient materials have been placed before this Court that in respect of the aforementioned four holdings not only 80% *ad hoc* payment was made but also entire amount of compensation was disbursed to the land losers.
17. It further appears to this Court that as rightly pointed out by Mr. Talukder that, in the event, the writ petitioners, being the land losers, are aggrieved with the quantum of compensation, they could approach the appropriate authority for making reference to the Civil Court, which has admittedly not been done.
18. This Court is in agreement with Mr. Talukder that the writ petitioners have approached this Court at a very belated stage for ventilating their grievance, if there by any for exercising the writ jurisdiction of this Court, which is highly prerogative in nature.

19. It appears to this Court that the writ petitioners have miserably failed to explain the delay in approaching this Court.
20. It further appears to this Court that the writ petitioners have also miserably failed to place any scrap of papers that they have not been paid due compensation in respect of the aforementioned holdings.
21. On the contrary, it appears that sufficient materials have been placed before this Court from the respondent/State that the land losers of the said acquisition process have received the entire amount of compensation.
22. It, thus, appears to this Court that the writ petitioners have made a venture to get some more money from public exchequer, which this Court highly discards.
23. With the aforementioned observations, **WPA 14116 of 2025** is dismissed.
24. There shall, however, be no order as to costs.
25. Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Sen, J.)