

Dd 11 25.04.2025

MAT/1052/2021
With
IA NO: CAN/1/2021

ORIGINAL PROPERTIES ADVISORY
(PRIVATE) LIMITED
VS
STATE OF WEST BENGAL AND ORS.

Ms. Micky Chowdhury,
Mr. Partha Chatterjee, Advocates
... .. For the Appellant

Mr. Debabrata Banerjee,
Mr. Samir Chakraborty, Advocates
.. ...For the respondent no. 4

Mr. Chandi Charen Dey,
Mr. Rabindra Narayan Dutta,
Mr. Hare Krishna Haldar, Advocates
..For the State

1. Appeal is at the behest of a writ petitioner and directed against an order dated July 26, 2021 passed in WPA 10894 of 2021. By the impugned order learned Single Judge found that the writ petitioner is a post acquisition transferee and, therefore, did not find merit in the writ petition.
2. Learned advocate appearing for the appellant submits that the appellant is the owner of a part of Plot No. 301. Admittedly, according to her, a part of Plot No. 301 was acquired by the Authorities. She draws the attention of the Court to the affidavit-of-opposition as also the report submitted on behalf of the Authorities in Court. Taking into consideration that, since the Authorities are claiming only a part of acquisition of the Plot No. 301, the question of post vesting transferee does not arise. Moreover, it is a case of demarcation and

the Authorities should do so. In respect of such contention of demarcation of land, learned advocate for the appellant relies upon **(2004) 13 ACC 412 [Ramkishan Jaiswal vs. Indian Institution of Technology & Anr.]**

3. Learned advocate appearing for the appellant submits that the name of the appellant stands mutated in the records as the owner in respect of Plot No. 301. Moreover, in certain cases, Courts can direct the demarcation of the property concerned.
4. State authorities are represented.
5. It is submitted on behalf of the State that there are title disputes with regard to Plot No. 301.
6. We perused the pleadings before us. Appellant claims to be the owner of a portion of Plot No. 301 tracing title from the original owner. Admittedly, there was a acquisition proceeding in respect of Plot No. 301. According to the affidavit filed by the Authorities, Plot No. 301 consists of 1.19 acre, out of which 1.84 acre was acquired.
7. In the same affidavit, the State Authorities raised the contention of post vesting transferee and lack of title of the writ petitioner. State also raised the issue that, since title dispute was involved, whether the writ petition was maintainable.
8. In **Ramkishan Jaiswal (supra)** Supreme Court passed an order of maintenance of status quo and directed demarcation upon notice to the parties.
9. In the facts of the present case, title of the immovable property is in dispute. In any event, there are issues which are to be considered with regard to acquisition proceedings involving Plot No. 301.

10. We find that there are several disputed question of facts involved as appearing from the pleadings of the parties filed in Court.
11. In such circumstances, we find no merit in the present appeal.
12. MAT/1052/2021 along with the connected application are, accordingly, **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)