

S/L 12  
22.09.2025  
Court. No. 19  
Sourav

**WPA 14854 of 2025**

**Sri Kartik Chandra Kapas & Ors.  
Vs.  
The State of West Bengal & Ors.**

*Mr. Saptanshu Basu, Sr. Adv.  
Mr. Mrinal Kanti Ghosh  
Mr. Chandranath Sarkar*

*... for the petitioners.*

*Mr. Soumitra Bandyopadhyaya, Sr. Govt. Adv.  
Mr. Ram Chandra Guchhait*

*... for the State.*

1. The writ petitioners and the respondent/State are represented by their respective learned advocates.
2. At the time of hearing, Mr. Basu, learned senior advocate appearing on behalf of the writ petitioners at the very outset submits before this Court that due to a typographical mistake the order under challenge was typed as the order dated '20.02.2025' which shall be the order dated '18.02.2025', a copy of which has been annexed at Page No. 182 of the instant writ petition.
3. In view of such submission and in view of no objection as raised on behalf of the respondent/State, this Court proposes to dispose the instant writ petition by holding that in the instant writ petition the order dated 18.02.2025 as passed by the respondent no. 7/authority is impugned.
4. At the time of hearing, Mr. Basu draws attention of this Court to some previous orders as passed by this High Court either in Single Bench or in Division Bench in earlier round of litigations. From the materials as placed

before this Court, it reveals that undisputedly 10ft. wide road has been constructed under the Mahatma Gandhi National Rural Employee Guarantee Scheme over the plot in question which is being utilized for public purposes and it is also undisputed that prior to utilization of the land of the writ petitioners, particulars of which have been mentioned in paragraph no. 3 of the instant writ petition, no process of acquisition and disbursement of compensation was made and/or initiated.

5. At this juncture, Mr. Basu took me to Page No. 182 of the instant writ petition, being a copy of the order under challenge dated 18.02.2025 as passed by the respondent no. 7/authority. It is submitted by Mr. Basu that from the order under challenge, it would reveal that the respondent no. 7/authority made no venture at all to disclose as to how the valuation of the land as has been utilized by the respondents/authorities has been fixed to the tune of Rs. 10,87,732/-.
6. It is submitted by Mr. Basu that the order under challenge does not reflect the mode of calculation of the assessment of compensation and thus, the same is very much opaque and the respondent no. 7/authority being an authority under Article 12 of the Constitution of India is duty bound to assign sufficient reason as to how he arrived such calculation to the tune of Rs. 10,87,732. It is thus submitted by Mr. Basu that the assessment of compensation as has been made by the respondent no. 7/authority is a glaring example of perversity and

arbitrariness and therefore, the same may not be allowed to stand and may be set aside by issuing appropriate writ/writs as prayed for in the instant writ petition.

7. Per contra, Mr. Bandyopadhyay, learned senior government advocate appearing on behalf of the respondent/State and its instrumentalities submits before this Court that in terms of the order dated 15.02.2022 as passed in WPA 9117 of 2020 by a co-ordinate Bench of this Court as has been affirmed by a Division Bench of this Court in MAT 904 of 2022 dated 03.08.2022, the jurisdictional ADSR was requested by the jurisdictional BDO i.e., the respondent no. 7/authority to assess the present market value of the utilized portion of the land of the writ petitioners and as per said requests, the jurisdictional ADSR i.e., ADSR, Daspur –I assessed the market value of the utilized land to the tune of Rs. 5,15,505/- which was informed to the writ petitioners and since the writ petitioners were not satisfied with the said quantum and since they have submitted a representation, the jurisdictional ADSR, was once again requested to submit a report afresh on the basis of such representation of the writ petitioners which would be evident from Page Nos. 119 and 120 of the instant writ petition.
8. At this juncture, Mr. Bandyopadhyay draws attention of this Court to Page Nos. 144 and 145 of the instant writ petition, being a copy of the memo dated 29.08.2023 as issued by the jurisdictional ADSR. It is submitted by Mr.

Bandyopadhyay that from the copy of the said memo, it would reveal that considering the representation of the writ petitioners, the jurisdictional ADSR assessed the market value of the 30.083 decimals of land to the tune of Rs. 7,61,619/-.

9. In his next fold of submission, Mr. Bandyopadhyay took me to Page Nos. 178 to 179 of the instant writ petition being a copy of the report dated 20.02.2025 as submitted by the jurisdictional BDO before a co-ordinate Bench wherefrom according to Mr. Bandyopadhyay, it would reveal that subsequently it was noticed that the quantum of utilized land was 46 decimals of land instead 30 decimals and accordingly, the jurisdictional ADSR assessed the compensation to the tune of Rs. 10,87,732/-.
10. It is further argued by Mr. Bandyopadhyay that from Page Nos. 183 to 190 of the instant writ petition, being a copy of the memo dated 05.02.2025 as written by the jurisdictional ADSR to the jurisdictional BDO i.e., the respondent no. 7 herein, it would reveal that the jurisdictional ADSR assessed the valuation of the utilized portions of the land considering the market value of the five plots as per the available deeds and the remaining 23 plots as per record of right as available in his database through relevant query number.
11. It is thus submitted by Mr. Bandyopadhyay that the jurisdictional ADSR has assessed the value of the utilized land of the writ petitioners by applying established procedure and on the basis of the market

value as available in his database. It is thus submitted by Mr. Bandyopadhyay that it is thus not correct to state that the respondent no. 7/authority while passing the order impugned dated 18.02.2025 has not assigned any reason whatsoever for assigning valuation as made by him to the tune of Rs. 10,87,732/-.

12. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it reveals that admittedly in the order dated 18.02.2025 the respondent no. 7/authority made no venture to disclose as to how the jurisdictional ADSR assessed the valuation of the utilized land of the writ petitioners to the tune of Rs. 10,87,732/-, however, if the said order under challenge dated 18.02.2025 is considered along with the annexures to the memo dated 05.02.2025 as available at Page Nos. 183 to 190 of the instant writ petition, it reveals that the jurisdictional ADSR has taken a correct path to assess the valuation of the land as has been utilized by the writ petitioners.
13. This Court finds no infirmity and/or arbitrariness and/or perversity in making such valuation by the jurisdictional ADSR and for such reason, this Court finds equally no perversity or arbitrariness on the part of the respondent no. 7/ authority in placing his reliance upon the said valuation report as made by the jurisdictional ADSR.
14. This Court sitting in a judicial review in absence of any perversity and/or in absence of any material to show

that a serious miscarriage of justice occurred while assessing the valuation of the land of the writ petitioners and/or in absence of any procedural irregularity is not supposed to interfere with the order dated 18.02.2025 as passed by the respondent no. 7/authority.

15. With the aforementioned observations, the instant writ petition being **WPA 14854 of 2025** is dismissed.
16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

**(Partha Sarathi Sen, J.)**