

N.22Sl
151/CL

WPA 15429 of 2025

Sri Biswadeep Mitter

-vs-

The State of West Bengal & Ors.

16.09.2025
SL-16
Ct.19
(S.R.)

Mr. Debrup Choudhury
Mr. Syed Murshid Alam
Mr. Sk. Nizamuddin
Ms. Barnali Gupta
Mr. Subrata Ghosh
Ms. Amrita Sen ... for the petitioner.

Mr. Prashant Kumar Tripathi ... for the State.

1. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically, against the respondent no.4/authority commanding him to implement the order dated 02.07.1998, as passed by a Coordinate Bench of this Court in C.O.5756 (W) of 1996.
2. At the time of hearing Mr. Choudhury, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page nos.41 and 42 of the instant writ petition, being a copy of the aforementioned order dated 02.07.1998. It is submitted by Mr. Choudhury that while disposing the aforementioned writ petition a Coordinate Bench of this Court vide its order dated 02.07.1998 directed the respondent authorities to conclude the acquisition proceeding within a period of six months from the date

of communication of the said order.

3. It is argued by Mr. Choudhury that from page no.44 of the instant writ petition, it would reveal that the said order dated 02.07.1998 was duly communicated to the respondent no.4/authority. However, the respondent no.4/authority in utter disobedience of the same has not complied with the said order dated 02.07.1998 and finding no other alternative, the writ petitioner approached the respondent no.4/authority by filing a representation dated 13.06.2025, a copy of which has been annexed at page nos.60 to 62, but no effect.
4. It is, thus, submitted by Mr. Choudhury that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers as made in the instant writ petition.
5. *Per contra*, Mr. Tripathi, learned advocate appearing on behalf of the respondent/State in course of his submission draws attention of this Court to the report dated 08.09.2025, as prepared by the respondent no.4/authority, as has been filed today and as has been taken on record.
6. It is submitted by Mr. Tripathi that from the status report the followings would reveal: -
 - (i) That in respect of the property in question notice under Section 4(1A) Act II of 1948 was published in the Calcutta Gazette on

28.02.1985.

- (ii) 80% of the award in advance was declared on 22.12.1980 in the name of one Amiya Kumar Chowdhury, the then recorded owner of the plot in question.
 - (iii) 20% remaining award was again declared on 05.11.1988 to the tune of Rs.62,733/- vide award serial no.18, a copy of which has been annexed with the report as filed today.
 - (iv) The writ petitioner's name was not recorded in the record of right, since the writ petitioner has not mutated his name.
 - (v) In connection with the aforementioned LA proceeding almost all the awardees accepted the compensation, and, therefore, the said acquisition case came to a conclusion.
7. It is submitted by Mr. Tripathi that in view of such report and in view of the inordinate delay and laches as made by the writ petitioner, no relief ought to have been granted in favour of the writ petitioner.
8. Considering the entire materials, as placed before this Court and after hearing the learned advocates appearing for the contending parties, it appears to this Court that on behalf of the respondent/State sufficient materials have been placed before this Court that after requisition under Section 3(1) of Act II of 1948, notice under Section 4(1A) of the self-same Act was

published in the Calcutta Gazette on 20.02.1985. Materials have also been placed before this Court that 80% of the award was declared on 22.08.1980 and soon thereafter in the year 1988, the remaining award was declared in connection with the relevant LA Case, in the name of the then recorded owner of the acquired land.

9. As rightly pointed out by Mr. Tripathi that nothing could be placed before this Court on behalf of the writ petitioner that soon after the passing of the award in the name of one Amiya Kumar Chowdhury, the then recorded owner of the aforementioned plot of land, the writ petitioner and/or his predecessors-in-interest have made any endeavour to record their names in the record of right.
10. This Court finds no explanation in the writ petition as to why the writ petitioner has made so much delay in approaching this Court for exercising high prerogative writ jurisdiction of this Court. There is no plausible explanation as to why the present writ petitioner and/or their predecessors-in-interest have not mutated their names in the relevant record of right.
11. In view of such unexplained delay and laches on the part of the writ petitioner and in view of the fact that in connection with the aforementioned acquisition proceeding, the award has already been declared long back, this Court considers that the present writ

petitioner is not entitled to any relief/reliefs, as prayed for.

12. With the aforementioned observations, the instant writ petition being **WPA 15429 of 2025** is dismissed.

13. There shall, however, no order as to costs.

14. 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.)