

Form No. J (2)

**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

**R.V.W. 214 of 2025
IA NO: CAN/1/2025**

**Sri Suvendu Bikash Dey & Ors.
vs.
The State of West Bengal & Ors.
in
F.M.A. 73 of 2019
The State of West Bengal & Ors.
Vs.
Sri Suvendu Bikash Dey & Ors.**

For the Applicants : Mr. Amit Baran Dash, Advocate
Ms. Ankana Sarkar, Advocate

For the State : Mr. Soumitra Bandopadhyay, Advocate
Mr. Subhasis Bandopadhyay, Advocate

Heard & Judgment on : 06.11.2025.

Debangsu Basak, J.:-

1. Review applicants seek review of the judgment and order dated June 12, 2025 passed in FMA 73 of 2019.
2. Review is at the behest of the writ petitioners.

3. Learned advocate appearing for the review applicants submits that, five plots of lands were sought to be requisitioned. Requisition was for the purpose of constructing a road. Road was not constructed. At least the entirety of the five plots of lands comprised in the five plots was not utilized for the purpose of construction of the road.
4. Learned advocate appearing for the review applicants draws the attention of the Court to paragraph-21 of the judgment and order dated June 12, 2025. He submits that, the Court returned a finding in paragraph-21 that, land has been consumed by the State for construction of a road. He contends that, such finding is incorrect. In support of the contention that, such finding is incorrect he relies upon a writing dated March 2, 2007 issued by the Assistant Engineer.
5. Relying upon the writing dated March 2, 2007 he submits that, the same shows that, entirety of the land encompassed in the five plots were not utilized for the purpose of construction of the road way.
6. Learned advocate appearing for the review applicants submits that, the direction that, the land may be brought by the State should be clarified. He submits that, review applicant cannot be forced to sell lands to the State.
7. State is represented.
8. By the judgment and order dated June 12, 2025 review of which is sought for before us in this review proceeding, we disposed of the appeal

at the behest of the State and its functionaries directed against the judgment and order dated October 4, 2018 passed in the writ petition.

9. Learned Single Judge allowed the writ petition challenging a requisition proceeding, after noticing that, appropriate steps under the provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948 were not taken. Learned Judge, therefore, directed that, the provisions of the Act of 2013 should be invoked.
10. Five plots of lands are involved. Requisition notice was initially issued under the Act of 1948 in respect of five plots of land for the purpose of construction of a road way.
11. It is the contention of the review applicants that, the entirety of the land comprised with five plots of land were not utilized for the purpose of construction of the road way. Reliance in this regard is placed on a writing dated March 2, 2007 issued by the Assistant Engineer.
12. We perused the writing dated March 2, 2007 of the Assistant Engineer. We are of the view that, such letter, does not conclusively state that, entirety of five plots of lands were not consumed. At best it highlights that up to a particular period of time a portion of the land concerned was utilized. It states utilization of the plots of land in a particular way. To our understanding the letter does not permit a Court to return a conclusive finding that, the entirety of the plots of lands encompassed in the five plots of lands were not utilized, or demarcate which portion was utilized and which not.

13. Assuming that the letter dated March 2, 2007, goes on to specify that the entirety of the land in the five plots were not utilized then also it does not proceed to demarcate the portion which was utilized and portion which was not.
14. There is a practical difficulty involved. As noted above, five plots of land were requisitioned for the purpose of construction of road. We are not in a position to arrive at conclusive finding that, a demarcated portion out of those five plots were utilized for construction of a road, relying upon the letter dated March 2, 2007 or any other document. Our attention was not drawn to any other documents which suggest that, the road way passes through only a portion of the five plots involved.
15. In such circumstances, we returned a finding in our judgment and order dated June 12, 2025 that, all five plots were consumed for the roadway. We permitted the State to either buy the land from the writ petitioners or to invoke the provisions of the Act of 2013.
16. Apprehension expressed on behalf of the review applicants that, State will force the review applicants to sell land, without invoking Act of 2013, in our view is misplaced. It is for the owner to agree to sell. They cannot be forced to sell. In the event, the owners do not sell, State is not powerless. State can invoke provisions of the Act of 2013.
17. In view of the discussions above, we do not find any merit in the memorandum of review.

RVW 214 of 2025 in FMA 73 of 2019

18. **R.V.W. 214 of 2025** along with connected application are dismissed without any order as to costs.

(Debangsu Basak, J.)

19. I agree.

(Md. Shabbar Rashidi, J.)

CHC