

17.04. 2025

**item No. 7.
ASR.
ct. no.24**

WPA 18741 of 2022

**Kalimuddin Sardar
Vs.**

State of West Bengal & Ors.

**Mr. Jahar Lal Roy
Ms. Kavita Rani**

..... for the petitioner.

**Mr. Chandi Charan De
Ms. Chandana Ghosh
Mr. Anirban Sarkar**

..... for the State Respondent

Petitioner purchased a land bearing L.R. plot no. 115 measuring about 66 decimals out of total 3 acres 23 decimal, from one Kishore Kumar Mondal son of Priya Nath Mondal vide registered deed of sale dated 10th February, 1975.

It is the case of the petitioner that the respondent authority has not acquired the entire land but has acquired one acre of the land for the purpose of construction of road. He submits that the present ROR was recorded erroneously. Thus, he approaches this court with a prayer that if the entire land is acquired State is required to be directed to provide adequate compensation. He also made an additional prayer that the respondent authority may be directed to correct the

recording R.O.R in respect of the land in question, if it was not acquired.

By virtue of the leave of this court the State respondent has filed a report in the form of affidavit coupled with a status report. The status report of the State disclose as follows:

“On verification of files and registers lying in the office, it reveals that CS. Plot (old)-99 appertaining to CS. Plot. (new)-115 of Mouza Patpukhur, JL. 98, Ps. Joynagar-II, South 24 Parganas was requisitioned u/s 3(1) of Act II of 1948 on 18.09.1963. Later, a Notification u/s 4(1a) of West Bengal Land (Requisition & Acquisition) Act 1948 was issued vide No. 6930. LA (PW). Dated. 19.05.1965 duly published in Calcutta Gazette on 16.09.1965. Vide LA. Case II/81 of 1961-62 for the project of construction of Joynager-Mollarchak-Jalaberia-Kultala Road. It also appears that award for area of 1.00 acres of the said Cs. Plot no. 115 was declared by the State I n the name of recorded owner Priyonath Mondal & Hemanta Nath Mondal both s/o Arjun Mondal and compensation amount of Rs. 1059.25 paise was paid on 15.02.1966 and supplementary award

amount of Rs. 1059.25 paise was paid on 15.02.1966 and supplementary award amount of Rs. 23.28 paise was paid to the awardee on 27.03.1968.(copy enclosed).

Later, one Kalimuddin Sardar s/o Lt. Tajim Sardar purchased area measuring 0.66 acres out of 3.23 acres of the suit plot 115 from one Kishore Kumar Mondal s/o Lt. Priyo Nath Mondal by virtue of regd. Deed no. 1278 dated 22.05.2009 and got mutated the same in his LR. KH. No. 389 with the notings against the suit plot in the name of superintending Engineer, PWD (Roads). Later, the entire area measuring 3.23 acres is found recorded in the LR. Khatian No. 2098 (cc) in the name of Superintending Engineer, PWD. Being aggrieved, the instant writ petition being WPA No. 18741 of 2022 in the matter of Kalimuddin Sardar-Vs- State of West Bengal & Ors. Has been filed claiming compensation under the provision of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

In the light of the above facts, it appears that the suit plot. 115 was requisitioned

on 18.09.1963 followed by Notification u/s 4(1a) of Act II of 1948 on 16.09.1965 under Act II of 1948, award was declared on 15.02.1966 and amount of compensation was paid on 15.02.1966 and 27.03.1968 to Priyo Nath Mondal & Hemanta Nath Mondal both s/o Arjun Mondal while the instant writ petitioner purchased the suit plot on 22.05.2009 after more than forty years. Under the circumstances above, it is obvious that the instant writ petitioner is a post-acquisition purchaser and is not eligible for any compensation as per provision of law.”

It is the firm contention of the respondent authority that prior to the purchase of the land, the said land was acquired and the compensation has already been paid to the erstwhile owners of the land namely Priya Nath Mondal and Hemanta Nath Mondal.

It is the further contention of the respondent authority that the writ petitioner is a post acquisition purchaser and is not eligible for compensation as per provision of law.

Learned counsel for the petitioner pointed out the several documents annexed by the State respondent with their report.

By the said documents pertaining to the proceeding of land acquisition of the relevant land namely C.S plot no. 99 (corresponding to R.S. plot no. 115).

He placed the relevant portion of the proceeding of acquisition and submits that only portion (one acre) of C.S. plot no. 99 (corresponding to R.S. plot no. 115) was acquired by the same process.

He also placed the relevant R.S. ROR wherefrom it appears that the only one acre of land of C.S. plot no. 99 (corresponding to R.S. plot no. 115) was acquired for the construction of roads.

Having heard learned counsel for the parties and considering the documents including the papers regarding proceeding of the alleged land acquisition case.

It appears to me that the petitioner has justifiable demonstrated the fact that a portion of plot being C.S. plot no. 99 (corresponding to R.S. plot no. 115) was acquired, not the entire plot. It is unknown whether this purchased land was acquired or not.

The prayer was made before this court for correction of record of rights if not acquired.

There are a specific authority for correction of record of rights. The concerned Block Land & Land Reforms Officer is the authority to pass a necessary order for correction of record of rights.

At this juncture I think it fit and justifiable to relegate the matter before the concerned Block Land and Land Reforms Officer to consider the grievances of the petitioner for correction of record of rights.

Under the above observation, the instant writ petitioner is disposed of with a direction to the petitioner to approach the concerned Block Land & Land Reforms Officer for desired relief for correction of record of rights.

I make it clear that the writ petitioner shall approach the concerned Block Land & Land Reforms Officer by making a specific representation along with the necessary documents which he wants to rely including the documents placed by the concerned State respondent authority along with their report for the betterment of the decision by the Block Land & Land Reforms Officer.

The concerned Block Land & Land Reforms Officer shall dispose of the representation of the petitioner after giving a reasonable opportunity of being heard to the petitioner as well as concerned respondent authority within eight weeks from the of receiving such representation.

The decision of the authority shall be intimated to the petitioner or certified copy of the order be handed over within two weeks thereafter.

I make it clear that this court has not entered into the merits of this matter. The concerned BL & LRO shall dispose of the representation according to the provision of law without being influenced any observation of this court.

[Subhendu Samanta, J]