

Item No.- 68  
**16.06.2025**  
Court No. 19  
Rohan

**In the High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**WPA 17749 of 2013**

**Sanjib Baul  
Versus  
Union of India & Ors.**

Mr. Chittapriya Ghosh,  
Ms. Priyanka Saha.

... for the petitioner

Mr. Dilip Kr. Chatterjee.

... for the Union of India

Mr. Jayanta Samanta,  
Mr. I. Banerjee.

... for the State

1. The report dated 11<sup>th</sup> March, 2025 and the report dated 28<sup>th</sup> March, 2025 as filed on behalf of the respondent-State are taken on record.
2. By filing the instant writ petition, the writ petitioners prayed for issuing of appropriate writ/writs against the respondent-authorities for taking appropriate steps for disbursement of compensation on account of acquisition of land of the writ petitioner measuring about 0.98 acres out of 1.80 acres in plot No. 1351, Mouza – Harisara in District – Birbhum.
3. In course of his submission, Mr. Chittapriya Ghosh, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to a report dated 9<sup>th</sup> February, 2024 as submitted by the A.D.M. (L.A.), Suri, Birbhum. It is submitted by Mr. Ghosh that in such report dated 9<sup>th</sup>

February, 2024, the A.D.M. (L.A.), Suri, Birbhum has relied upon a joint survey report dated 24<sup>th</sup> January, 2024 as submitted by L.A. Collector, Suri, Birbhum.

4. In course of his submission, Mr. Ghosh contends that from the said joint survey report dated 24<sup>th</sup> January, 2024, it would reveal that in connection with L.A. Case No. 20/1963-64, 0.82 acres of land in plot No. 1351 in Mouza – Harisara was acquired and revised L.A. plan was prepared. It is further submitted by Mr. Ghosh that in the joint survey report dated 24<sup>th</sup> January, 2024, the said L.A. Collector thus observed that no encroachment has been done by the railway authority.
5. At this juncture, Mr. Ghosh took me to page No. 27 of the instant writ petition being a copy of notice under Section 3 and 4 of the Act I of 1894. It is submitted that from the said notice, it would reveal further that in plot No. 1351, 0.82 acres of land was acquired.
6. At this juncture, on behalf of the writ petitioner, attention of this Court is drawn to page No. 6 of the supplementary affidavit of the writ petitioner as affirmed on 2<sup>nd</sup> December, 2022 being a copy of notification dated 23<sup>rd</sup> August, 1966. It is submitted that from the said notification dated 23<sup>rd</sup> August, 1966, it would reveal that under Section 48(1) of Act I of 1894, an order has been passed for withdrawal of acquisition in respect of plot No. 1351. It is, thus, submitted by Mr. Ghosh that the report dated 9<sup>th</sup> February, 2024 of the A.D.M. (L.A.), Suri, Birbhum as well as the joint survey report of the L.A. Collector dated 24<sup>th</sup> January, 2024 were submitted without considering the subsequent notification of withdrawal of acquisition dated 23<sup>rd</sup> August, 1966.

7. At this juncture, Mr. Ghosh again draws attention of this Court to the report dated 11<sup>th</sup> March, 2025 as submitted on behalf of the respondent-State today. It is further submitted by Mr. Ghosh that from the status report as submitted by Special Land Acquisition Officer, Suri, Birbhum, it would reveal that the said Special Land Acquisition Officer practically admitted regarding publication of subsequent notification dated 23<sup>rd</sup> August, 1966, whereby and whereunder, the plot No. 1351 was excluded from acquisition proceeding under Act I of 1894.
8. It is, thus, submitted by Mr. Ghosh that from the report as submitted by the respondent-State, it would reveal that the railway authority is utilizing 0.82 acres of land in plot No. 1351 without initiating any acquisition proceedings and/or without disbursing adequate quantum of compensation.
9. Such contention is opposed by Mr. Jayanta Samanta, learned advocate appearing on behalf of the respondent-State and Mr. Dilip Kr. Chatterjee, learned advocate appearing on behalf of the railway authority. It is submitted on behalf of the State as well as the railway authority that from the report dated 9<sup>th</sup> February, 2024 and the joint survey report dated 24<sup>th</sup> January, 2024, it would reveal that the railway authority has made no encroachment.
10. On careful consideration of the materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court has got no hesitation to hold that the report dated 9<sup>th</sup> February, 2024 and the report dated 24<sup>th</sup> January, 2024 as referred to hereinabove have been submitted without considering the subsequent notification dated 23<sup>rd</sup> August, 1966, which clearly indicates that plot No.

1351 was withdrawn from the process of acquisition under Section 48(1) of Act I of 1894. The contention of the writ petitioner that his plot of land in plot No. 1351 was excluded from acquisition, get sufficient support from the status report submitted by the Special Land Acquisition Officer, Suri, Birbhum as has been submitted before this Court by the said authority under cover of Memo dated 11<sup>th</sup> March, 2025.

11. Such being the position, this Court has got no hesitation to hold that the railway authority has utilized 0.82 acres of land in plot No. 1351 in Mouza – Harisara in District – Birbhum.
12. Accordingly, this Court while disposing the instant writ petition, directs the Land Acquisition Collector, District – Birbhum to initiate Land Acquisition under Act 30 of 2013 in respect of the 0.82 acres of land in Mouza – Harisara, District – Birbhum as stood in the name of the writ petitioner and shall come to a logical conclusion of the same including disbursement of adequate compensation in terms of the provision of Act 30 of 2013 in favour of the writ petitioner within 210 working days from the date of communication of the server copy of this order.
13. Liberty is given to the learned advocate-on-record to communicate the server copy of this order to the respondent No. 3 for his immediate compliance.
14. Respondent No. 3 is hereby directed to act on the server copy of this order.
15. The time limit as fixed by this Court is mandatory and peremptory.
16. With the aforesaid observation, **WPA 17749 of 2013 is disposed of.**

17. Urgent certified copy of this order, if applied for, by given to the parties upon compliance with all requisite formalities.

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