

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Partha Sarathi Sen

WPA 19736 of 2023

**Panchu Gopal Dey
Vs.
The Union of India & Ors.**

For the petitioner : Dr. Rudra Prasad Matilal

For the U.O.I. : Mr. Ajay Dasgupta
Mrs. Sarda Sha

For the State : Mr. Soumitra Bandyopadhyay
Mr. Priyabrata batabyal

For the respondent no. 7 : Mr. Subrata Bhattacharyya
Mr. Suvas Roy
Ms. Shipra Santra

Heard on : 16.04.2025

Judgment on : 16.04.2025

PARTHA SARATHI SEN, J.:

1. In this writ petition the writ petitioner was aggrieved with the order dated 12.12.2022 as passed by the respondent no. 4/authority whereby and whereunder the said respondent no. 4 rejected the

writ petitioner's representation as directed to be considered by a co-ordinate Bench on 23.11.2022 while disposing WPA 10404 of 2022.

2. Mr. Matilal, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page nos. 29 to 39 being the copies of two registered deed of conveyance in the name of the writ petitioner in respect of certain portions of Plot no. 705 in Mouza – Chanda under P.S. Jamuria.
3. It is submitted by Mr. Matilal that on 01.02.2005 the writ petitioner mutated his name in the assessment register of Jamuria Municipality, a copy of which has been annexed at page no. 60 of the instant writ petition. It is the further case of the writ petitioner that all on a sudden the writ petitioner was served with a notice dated 26.04.2022 by the respondent no. 4 being the competent authority under National Highways Act, 1956 (hereinafter referred to as the said Act of 1956) and RFCTLARR Act of 2013 (hereinafter referred to as the said Act of 2013). It is argued by Mr. Matilal that from the copy of the said notice dated 26.04.2022 it would reveal that the writ petitioner was directed to accept payment on account of an acquisition proceeding under the said Act of 1956 in respect of one Bata Plot no. 657/903. It is submitted by Mr. Matilal that apprehending that in the garb of the said notice the respondents/authorities would encroach and occupy the portions of the plot no. 705 in Mouza – Chanda the writ petitioner

approached this High Court by filing WPA 10404/2022 before a co-ordinate Bench of this Court which came to be disposed on 23.11.2022 directing the respondent no. 4/authority to consider the representation of the writ petitioners.

4. While drawing attention to the copy of the said reasoned order which has been annexed at page nos. 223 to 226 of the instant writ petition it is argued by Mr. Matilal that while considering the representation of the writ petitioner the respondent no. 4/authority most mechanically relied upon a report of the jurisdictional BL & LRO dated 15.02.2023 and accepted such report of BL & LRO causing much prejudice to the interest of the writ petitioner and without taking into consideration the contents of the aforementioned two purchase deed in respect of plot no. 705. It is thus submitted by Mr. Matilal that the copy of the report dated 15.02.2023 as submitted by the jurisdictional BL & LRO and as have been relied upon by the respondent no. 4/authority clearly indicates that the said report is totally faulty and thus the respondent no. 4 ought not to have place much reliance upon such report.
5. It is thus submitted by Mr. Matilal, learned Advocate for the writ petitioner that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.

6. *Per contra*, Mr. Bandyopadhyay, learned Advocate appearing on behalf of the respondent/State and its functionaries draws attention of this Court to the report supported by affidavit as filed on behalf of the respondent no. 4 as affirmed on 01.04.2024. Mr. Bandyopadhyay in course of his submission draws attention of this Court to page no. 4 and 5 of the said report being an another copy of the report dated 28.03.2024 of the Special Land Acquisition Officer, Paschim Bardhaman.
7. On careful consideration of the said report dated 28.03.2024 the following would reveal:
 - (i) The concerned RS Mouza map reveals that there was no existence of plot no. 705 in the relevant Mouza in RS stage because CS plot no. 705 and other few plots were amalgamated into a big one that is RS plot no. 729/903.
 - (ii) An erroneous record in respect of plot no. 705 has been framed in the name of the writ petitioner in LR stage which has been subsequently corrected by maintaining all formalities.
 - (iii) As per present computerized record the land in question is recorded in the name of Airport Authority of India. The writ petitioner purchased the said plot no. 705 from his vendor after completion of the acquisition proceeding.

(iv) The acquisition proceeding was completed and the Union of India has acquired the said requisitioned land vide case no. 79 DIA of 1946-47 in favour of civil irrigation department and the record of right was also prepared in favour of the Airport Authority of India. In the meantime no derequisition process took place which was intimated by a memo dated 22.12.1954 to the then land owner who are the vendors of the writ petitioner.

8. Learned Advocate appearing on behalf of the Union of India and its functionaries also relies upon the report as submitted on behalf of the respondent no. 4.
9. On careful perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties if I look to the copies of the two registered deed of conveyance in the name of the writ petitioner it would reveal that the two Schedules of the said two registered deeds of conveyance do not clearly indicate whether the plot no. 705 pertains to CS plot and/or RS plot and/or LR plot.
10. Admittedly, the writ petitioner mutated his name in the assessment register of Jamuria Municipality but in considered view of this Court such recording of name in the assessment register of the said Municipality does not confer any title in favour of the writ petitioner.

11. This Court has meticulously gone through the order under challenge as passed by the respondent no. 4/authority *vis-à-vis* the report submitted on behalf of the respondent no. 4. Sufficient materials have been placed on behalf of the respondents/State and its functionaries that in the LR stage an erroneous record in respect of plot no. 709 has been framed but materials have been placed that even at RS stage there was no existence of RS plot no. 709 since CS plot no. 705 and other few plots were amalgamated into a big Bata plot being Bata plot no. 729/903.
12. Sufficient materials have also been placed before this Court that the said Bata plot was a subject matter of acquisition proceeding long back and after completion of the acquisition it has been handed over to the requiring body being the Airport Authority of India. The report as submitted before this Court on behalf of the respondent no. 4 further reveals that since the writ petitioner was a *bona fide* holder of a structure over the land in question which is why the respondent no. 4/authority issued a notice for payment of compensation in respect of the said structure only.
13. In view of the discussion made hereinabove, this Court thus finds that the action of the respondent/State and its functionaries are not violative of any of the provisions of the Constitution of India. Materials have been placed before this Court that the writ petitioner purchased the portions of the alleged plot no. 705. As

discussed hereinabove in the schedule of the said two registered deed of conveyances there was no mentioning at all as to whether the said plot no. 705 pertains to CS or RS or LR.

14. It further reveals that the vendor (and/or his predecessor in interest) of the writ petitioner had already received a notice with regard to the said acquisition proceeding. For the sake of argument even if this Court accepts that the writ petitioner has purchased a portion of plot no. 705 by virtue of two registered deed of conveyances this Court considers that such execution of two registered deed of conveyances had got no adversarial effect to the said acquisition and requisition proceeding.
15. In view of the discussion made hereinabove, this Court thus finds no merit in the instant writ petition.
16. Accordingly, the instant writ petition being WPA 19736 of 2023 is dismissed.
17. There shall be, however, no order as to costs.
18. 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.)