

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

Present:

The Hon'ble Justice Partha Sarathi Sen

WPA 19738 of 2023

**Subhash Gorai & Ors.
Vs.
The Union of India & Ors.**

For the petitioners : Dr. Rudra Prasad Matilal

For the U.O.I. : Mr. Atarup Banerjee
Mr. Ravi Ranjan Kumar
Mrs. Sarda Sha

For the State : Mr. Ayan Banerjee
Mr. Suman Singh

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 petitioners were aggrieved with the order dated 24.02.2023 as passed by the respondent no. 4/authority whereby and whereunder the said respondent no. 4

rejected the writ petitioners' representation as directed to be considered by a co-ordinate Bench on 24.11.2022 while disposing WPA 10421 of 2022.

2. Mr. Matilal, learned Advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page nos. 29 to 31 of the instant writ petition being copy of the registered deed of conveyance in the name of the writ petitioners in respect of certain portions of Plot no. 677 in Mouza – Chanda under P.S. Jamuria.
3. It is submitted by Mr. Matilal that on 26.03.2003 the writ petitioners mutated their names in the assessment register of Jamuria Municipality, a copy of which has been annexed at page no. 37 of the instant writ petition.
4. It is the further case of the writ petitioners that all on a sudden the writ petitioners were 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 petitioners were directed to accept payment on account of an acquisition proceeding under the said Act of 1956 in respect of one Bata Plot no. 657/899. 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. 677 in Mouza – Chanda the writ petitioners approached this High Court by filing WPA 10421 of 2022 before a co-ordinate Bench of this Court which came to be disposed on 24.11.2022 directing the respondent no. 4/authority to consider the representation of the writ petitioners.

5. While drawing attention to the copy of the said reasoned order which has been annexed at page nos. 128 to 136 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 petitioners and without taking into consideration the contents of the aforementioned purchase deed in respect of plot no. 677. 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 placed much reliance upon such report.

6. 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.
7. *Per contra*, Mr. Banerjee, 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 and as affirmed on 10.04.2024. Mr. Bandyopadhyay in course of his submission also draws attention of this Court to page nos. 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.
8. 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. 677 in the relevant Mouza in RS stage because CS plot no. 677 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. 677 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. 677 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 petitioners.

9. 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.
10. 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 copy of the said registered deed of conveyance in the name of the writ petitioner it would reveal that the Schedule of the said registered deed of conveyance do not clearly indicate whether the plot no. 677 pertains to CS plot and/or RS plot and/or LR plot.
11. 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.

12. 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. 677 has been framed but materials have been placed that even at RS stage there was no existence of RS plot no. 677 since CS plot no. 677 and other few plots were amalgamated into a big Bata plot being Bata plot no. 729/903.
13. 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.
14. 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. 677. As discussed hereinabove in the schedule of the said registered deed of conveyances there was no mentioning at all as to whether the said plot no. 677 pertains to CS or RS or LR.

15. 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 petitioners have purchased a portion of plot no. 677 by virtue of a registered deed of conveyance this Court considers that such execution of the registered deed of conveyance had got no adversarial effect to the said acquisition and requisition proceeding.
16. In view of the discussion made hereinabove, this Court thus finds no merit in the instant writ petition.
17. Accordingly, the instant writ petition being WPA 19738 of 2023 is dismissed.
18. There shall be, however, no order as to costs.
19. 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.)