

Item-
21. 10-09-2025

sg Ct. 16

FA 252 of 2025
CAN 2 of 2018 (old CAN 8268 of 2018)
CAN 3 of 2023
CAN 4 of 2024

The State of West Bengal
Versus
Gazala Sahin Afroj

Mr. Supratim Dhar, Sr. Adv.
Mr. Dhananjay Nayak

...for the appellant/State

Md. Habibur Rahman

...for the respondent

1. During pendency of this appeal, an application has been filed by the appellant/State under Order 41 Rule 27 of the Code of Civil Procedure disclosing few documents to demonstrate that the instant land, which is the subject matter of the acquisition proceeding is, in fact, a vested land in terms of a BR proceeding imitated in the name of one Choudhury Md. Afaque under the provisions of the West Bengal Estate Acquisition Act, 1953.
2. The reason for not being able to produce the said documents before the learned Trial Court at the time of adjudication has been explained. It cannot be said, at this stage, that the said documents would not be relevant for the purpose of determination and adjudication of the compensation claimed by the respondent/award holder. It is further submitted that the award-holders, similarly placed with the co-sharers, have already received compensation.
3. In view of the aforesaid disclosure, we feel that the matter is required to be decided by the learned Judge,

Special Court (Land Acquisition Act), 1st Court, Raiganj, Uttar Dinajpur, afresh on the basis of the further disclosures made at the appellate stage.

4. The learned Judge, Special Court (Land Acquisition Act), 1st Court, Raiganj, Uttar Dinajpur is requested to give opportunity to adduce evidence, both oral and documentary, limited to the issue that the plots of land in respect of which, compensation is claimed, was vested in terms of the B.R. proceeding and rewrite the judgment.
5. We have not decided the relevancy and admissibility of the said documents or its evidentiary value.
6. The appeal and the applications are accordingly, disposed of.
7. The appellant shall pay a cost of Rs.50,000/- to the respondent by a Banker's cheque as a condition precedent for being allowed to adduce the said evidence, the appellant has claimed to have found out such documents, having regard to the fact only in 2023, within two weeks from date, in default, the appeal shall be heard on the basis of the existing cause papers.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)