

Item- 10-11-2025
4.

WPA 24778 of 2025

sg Ct. 19

Subrata Baran Ghosh & Ors.
Versus
The State of West Bengal & Ors.

Mr. Amit Kr. Pan
Mrs. Tanusri Santra
...for the petitioners
Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
...for the State respondents

The petitioners state that their predecessor-in-interest, namely, Nani Gopal Sardar and Hiralal Sardar were the joint owners in respect of the R.S. Plot No. 3290, measuring an area about 4.53 acres situated within Mouza Barhans Fartabad, Jurisdictional List no.47, under Police Station Sonarpur in the District of South 24 Parganas. The petitioners allege that, portions of the aforesaid plot were the subject matter of acquisition proceedings being L.A. case No. II/65 of 1975-76 in respect of an area measuring about 0.75 acres out of 4.53 areas and L.A. Case II/8 of 1993-94 in respect of an area of 0.05 acre out of balance 3.78 acres.

The petitioners claim to have received the awarded compensation. The grievance of the petitioners is that, the petitioners are not being able to utilize the balance portion of R.S. Dag No. 3290 in spite of the fact that a conversion order in respect of the said plot of land has been passed. The petitioners submitted a representation before the Collector, South 24 Parganas, being the second respondent herein, praying for physical demarcation of the acquired area with an authenticated sketch map in respect of the R.S. plot no. 3290.

Mr. Amit Kr. Pan, learned Advocate for the petitioners submits that initially the proceeding under Act II of 1948 was initiated and in view of Section 9 of the 1948 Act, it was incumbent upon the Collector to authorize any person to perform in respect of any land or the functions referred to in sub-Section (2) of Section 4 of the Land Acquisition Act, 1894. Mr. Pan contended that, in view of provisions of Section 9 of the Act II of 1948 read with Section 4(2) of the Land Acquisition Act, 1894, the Collector is duty bound to physically demarcate the boundaries of the acquired portion.

Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate, submits that the Special Land Acquisition Officer, South 24 Parganas, shall consider the prayer of the petitioners contained in the representation dated August 27, 2025 and take steps for physical demarcation of the acquired portion within the time limit that may be stipulated by this Court.

Since only a portion of Dag No. 3290 was acquired, it is the duty of the respondent authorities to physically demarcate the acquired portion so that the owners of the said property can utilize the balance portion according to their desire.

Record reveals that the petitioners have submitted a representation before the Collector, South 24 Parganas, being the second respondent herein, and has prayed for a direction upon the said respondent to physically demarcate the acquired portion of the said plot of land.

Since Mr. Bandyopadhyay submits that the Special

Land Acquisition Officer, South 24 Parganas, being the third respondent herein, shall undertake the entire exercise, I direct the Collector, South 24 Parganas, being the second respondent herein, to forward the representation of the petitioners dated August 27, 2025 to the Special Land Acquisition Officer, South 24 Parganas, being the third respondent herein, within a period of one week from the date of receipt of a server copy of this order.

It will also be open to the petitioners to communicate this order to the Special Land Acquisition Officer, South 24 Parganas along with a copy of the representation dated August 27, 2025.

The Special Land Acquisition Officer, South 24 Parganas, being the third respondent, shall physically demarcate the acquired portion of the RS Dag No. 3290 and prepare a sketch map which shall be handed over to the petitioners immediately after the physical demarcation is made. It will be open to the third respondent to take the assistance of the concerned Block Land & Land Reforms Officer and competent Amin/Surveyor for the purpose of physical demarcation of the plot in question.

The entire exercise shall be completed as expeditiously as possible but positively within a period of six weeks from the date of receipt of the copy of the representation by the third respondent.

It is, however, made clear that advance notice indicating the date and time of physical inspection and demarcation of the property shall be intimated to the petitioners and/or any other persons/authorities who may be

interested/affected by such demarcation and it will also be open to the petitioners and/or any other persons/authorities to depute competent persons from their side at the time of such physical demarcation.

In the event the respondent authorities face any disturbance at the time of such physical demarcation, it will be open to such authorities to approach the local Police Station and if such an approach is made, the Inspector-in-Charge/Officer-in-Charge of the local Police Station shall render all assistance in that regard.

With the above observations and direction, this writ petition, is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)