

Court No. 19

(265719)

10.11.2025

(AD 5)

(S. Banerjee)

WPA 24783 of 2025

Rupa Singha

Vs.

The State of West Bengal & Ors.

Mr. Ayan Banerjee
Ms. Debjani Sengupta
Ms. Poulomi Ghosh

...for the petitioner

Mr. Soumitra Bandyapadhyay
Mr. Srinath Singha

...for the State

Affidavit of service filed in Court today, is taken
on record.

Petitioner claims to be the owner of LR Plot No.
2804 under Police Station – Uttarpara, Hooghly
measuring about 12.2 Cottahs of land. The petitioner
states that such plot is a large plot of land measuring
about 400 Cottahs. The said plot was initially
requisitioned under the provisions of Act II of 1948
and thereafter an acquisition proceeding was initiated
upon issuance of a notification under Section 4 of the
Land Acquisition Act, 1894 ('the 1894 Act', for short)
which was published on September 20, 2011. The
land owners including the petitioner claimed to have
filed an objection under Section 5A of the 1894 Act

and a declaration under Section 6 of Act I of 1894 was published on February 10, 2012.

The petitioner alleges that no Award under Act I of 1894 Act was passed and in the meantime the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the 2013 Act', for short) came into force with effect from January 1, 2014.

Mr. Banerjee, learned advocate appearing for the petitioner submits that in view of the provisions laid down under Section 24(1)(a) of the 2013 Act, the Award was published and the compensation was determined in the light of the provisions contained under the 2013 Act. He further submits that some of the Awardees, being aggrieved by the quantum of compensation fixed in the Award, applied before the concerned Collector disputing the compensation fixed in the Award. Such issue was referred by the Collector under Section 18 of Act I of 1894 before the concerned Land Acquisition Judge. The learned LA Judge directed payment of compensation at an enhanced rate. Such Awardees as well as the State approached the Hon'ble Division Bench of this Court, being aggrieved by the rate fixed by the LA Judge for determination of compensation as well as other

parameters for the purpose of determining the compensation. Both the appeals being FAT 516 of 2019 at the instance of the State of West Bengal and FAT 3 of 2019 at the instance of some of the Awardees were disposed of by an Hon'ble Division Bench of this Court by a judgment and order dated May 8, 2025 thereby fixing the compensation of the acquired land at Rs. 5,52,544/- per Cottah. Other directions were passed upon the referral court by the Hon'ble Division Bench.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner did not approach the Collector at the relevant point of time disputing the rate of compensation fixed in the Award. By drawing the attention of the court to the provisions laid down under Section 28A of the 1894 Act, Mr. Banerjee submits that in view of the fact that the Hon'ble Division Bench has enhanced the rate of compensation and has fixed a particular rate per Cottahs, the 1894 Act vests right upon the persons who are interested in the other portion of the land covered by the same notification under Section 4(1) to make an application before the Collector under Section 18 of the 1894 Act within the time limit indicated therein. Mr. Banerjee further submits that the petitioner has submitted an application before the

concerned Collector within three months from the date of the Award of the Court. He further submits that till date the Collector has not taken any step in accordance with the mandate of Section 28A of the 1894 Act.

Mr. Bandyopadhyay, learned Sr. Govt. Advocate, submits that the Award was calculated under the provisions of the 2013 Act and, therefore, the provisions of Section 28A of the 1894 Act cannot come to the aid of the petitioner.

However, without making any comment on the claims and the counter-claim of the respective parties, this writ petition stands disposed of by directing the Land Acquisition Collector, Hooghly, being the 3rd respondent, to consider the application filed by the petitioner on August 5, 2025 which was received by the office of the District Magistrate/Collector, Hooghly on August 6, 2025 and to pass a reasoned order on the said application after giving an opportunity of hearing to the petitioner or his authorized representative and communicate the same to the petitioner immediately thereafter.

The entire exercise shall be completed as expeditiously as possible but, positively within a period of four weeks from the date of receipt of a

server copy of this order along with a copy of the application dated August 5, 2025.

(Hiranmay Bhattacharyya, J.)