

Sl. 19
02.12.2025
Court No.19
BP

WPA 25166 of 2025

Srijib Kumar Kar
-versus-
The State of West Bengal & Ors.

Mr. Aswini Kumar Bera
Mr. Arijit Bera
..for the petitioner

Mr. Jahar Lal De, Ld. A.G.P.
Mr. Jaladhi Das
..for the State

Mr. Nirmalendu Patra
Mr. Debnarayan Patra
..for the respondent no.12

The petitioner claims that a portion of his property being L.R. Dag No. 5344 within Mouza Sabang under Police Station Sabang in the District of Paschim Medinipur is sought to be taken possession of by the respondent authorities in the garb of widening the Highway. The petitioner submitted a representation through his learned advocate's letter dated September 15, 2025 before the Special Land Acquisition Officer, Paschim Medinipur praying for initiation of a fresh proceedings of acquisition of land being L.R. Plot No. 5344 measuring an area of about 0.060435 acre under the Right to Fair Compensation and Transparency on Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The learned advocate appearing for the petitioner submits that the portion of the property purchased by the petitioner is sought to be taken possession of and utilized

for the purpose of widening of the Highway without initiating any proceeding for acquisition.

The learned advocate appearing for the private respondent submits that the private respondent has transferred a portion of his property in favour of the petitioner and a writ petition has been filed by the private respondent being WPA 22384 of 2025 praying for compensation. He further submits that the petitioner and the private respondent are the owners of the respective portion of the aforesaid plot, portions of which were acquired but compensation has not been paid.

The learned advocate appearing for the petitioner places reliance upon a decision of the Hon'ble Supreme Court in the case of Govt. of NCT of Delhi Vs. Manav Dharam Trust and another reported at AIR 2017 SC 2450 in support of his contention that the recording of the name of raiyat in the record of right would be a sufficient proof as to who may be treated to be the land owner under Section 3 (r) of the 2013 Act.

Mr. De, learned Additional Government Pleader draws the attention of the Court to the deed of conveyance executed by the private respondent in favour of the petitioner in support of his contention that the portion of the plot no. 5344 purchased by the petitioner falls beyond the acquired portion. He further submits that the sketch map annexed at page 42 of the writ petition is prepared by a surveyor appointed by the petitioner

himself and such sketch map is not binding upon the authorities. A copy of the report of the Special Land Acquisition Officer, Paschim Medinipur was filed by the State on the last occasion. Mr. De submits that the decision in Manav Dharam Trust (supra) has been observed in the case of Union of India & Ors. Vs. Shiv Kumar & others reported at (2019) 10 SCC 229.

After going through the said report it appears that 12 decimals of land in plot no. 5344 was the subject matter of a proceeding being L.A. Case No. 253 of 1975-76 and an order of requisition under Section 3(1) of the West Bengal Land (Requisition and Acquisition) Act, 1948 for construction of Sabang-Mohar ODR was issued. The possession of the said portion of the land was taken over and delivered to the Requiring Body on December 24, 1977. Notification under Section 4 (1a) of Act II of 1948 was published in the Calcutta Gazette for acquisition of the land on 26th March, 1981. The said report further states that 80% of Land Acquisition Compensation was paid to the then awardees namely Laxmikanta Bhakta and Ananta Kumar Bhakta both sons of Abinesh vide Award Serial No. 68 and 69. Since a writ petition at the instance of Ananta Kumar Bhakta that is the private respondent herein is pending, this Court refrains from making any comment insofar as the award declared in favour of the private respondent is concerned in this writ petition. The issue involved in this writ petition is whether

the property of the petitioner was subject to any acquisition proceeding. On a bare perusal of the sale deed dated 28th April, 2025 executed by the private respondent in favour of the petitioner herein it appears that a portion of plot no. 5344 measuring about 6.0435 decimals was transferred in favour of the petitioner. The portion transferred in favour of the petitioner has been well demarcated as would be evident from the boundaries indicated in the said deed. A plan has also been made part of the said deed. Upon reading the description given in the schedule of the said deed together with the sketch map appended thereto this Court finds that the portion of plot no.5344 transferred in favour of the petitioner is beyond the portion acquired and the pucca road.

At this stage the learned advocate appearing for the petitioner submits that very recently some men and agents visited the locale for the purpose of measurement and the petitioner came to know that steps are being taken to widen the said Highway to make the width of the same to be 57 feet. Except some bald allegations made in the writ petition no materials have been produced in support thereof. In the event any portion is sought to be acquired it will be open to the petitioner to work out his remedies in accordance with law at the appropriate stage. Since the petitioner could not satisfy this Court that any portion of his purchased property has been utilized for the purpose of widening the Highway, this Court is not

inclined to grant any relief to the petitioner in this writ petition.

With the above observations, WPA 25166 of 2055 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)