

S/L 9
07.05.2025
Court. No. 19
Suwayan

WPA 27945 of 2023

**Pratapaditya Mondal
Vs.
The State of West Bengal & Ors.**

*Mr. Anindya Sundar Das
Mr. Shaunak Ghosh
Ms. Paramita Mondal
Ms. Suva Gayen*

...for the petitioner.

*Mr. Ayan Banerjee
Mr. Debopriyo Chatterjee
Ms. Debjani Sengupta*

...for the State.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities restraining them from making any attempt to encroach any portion of the writ petitioner's land for the purpose of construction of a road with a further prayer for restoration of the used portion of the plot of land to the writ petitioner.
3. In course of hearing learned Advocate appearing on behalf of the writ petitioner draws attention of this Court to page nos. 13 to 16 of the instant writ petition being a copy of the deed of conveyance dated 13.05.2002 as has been executed in favour of the writ petitioner by his vendor in respect of the schedule mention property of the said deed of conveyance.
4. At this juncture, learned Advocate for the writ petitioner draws attention of this Court to page no. 17 *vis-à-vis* to a copy of LR ROR as has been handed over

to this Court in course of hearing. It is submitted that on comparative study of the schedule of the said deed of conveyance dated 13.05.2002, page no. 17 being a copy of LR ROR in respect of LR plot nos. 2474 and 2475 corresponding to CS nos. 2458 and 2459 and the copy of the latest ROR in respect of the aforementioned two plots of land it would reveal that the name of the writ petitioner was recorded in respect of the said two plots of land which clearly indicates that the writ petitioner is still in occupation of the portion of the land bearing LR plot nos. 2474 and 2475 corresponding to CS plot nos. 2458 and 2459 in Mouza – Sitarampur. It is thus submitted on behalf of the writ petitioner that without initiating a process of acquisition and without disbursing any compensation the respondents/authorities cannot proceed with the work of construction of road over the land which is in occupation of the writ petitioner of which the writ petitioner is a lawful owner.

5. In course of his submission Mr. Banerjee, learned Advocate appearing on behalf of the respondents/State and its functionaries has handed over a report dated 04.07.2024 as prepared by the respondent no. 3 after serving a copy of the same to the learned Advocate for the writ petitioner. The said report dated 04.07.2024 is taken on record.
6. In course of his submission Mr. Banerjee draws attention of this Court to the status report as submitted today *vis-à-vis* page nos. 3 and 4 of the said report

being a copy of notice under Section 4 of the Act I of 1894. It is submitted by Mr. Banerjee that from the copy of the said notice under Section 4 of the said Act I of 1894 it would reveal that in Village – Sitarampur, CS plot nos. 2458 and 2459 which corresponds to LR plots have been notified and upon publication of declaration under Section 6 of the said Act on 06.08.1946 the entire acquisition proceeding was completed and soon thereafter the said acquired land was handed over to the requiring body namely; to the PWD roads on 18.01.1947 and further, compensation to the land losers were awarded in terms of the award as passed in LA case no. D/11 of 1946-47.

7. It is thus submitted by Mr. Banerjee that the writ petitioner being a post acquired transferee cannot have any valid title over the aforementioned plot of land especially when a record of right cannot be treated as a document of title.
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court finds sufficient justification in the submission of Mr. Banerjee inasmuch as sufficient materials have been placed before this Court that by virtue of a land acquisition proceeding under Act I of 1894 the aforementioned two plots of land have been acquired long back that is in the year 1946 and pursuant to the LA case no. D/11 of 1946-47 all land losers have been awarded with adequate compensation. No contrary

materials could be placed before this Court on behalf of the writ petitioner as to how the vendor of the present writ petitioner could transfer a land to the writ petitioner which have already been acquired long back, that is in the year 1946.

9. This Court further considers that on the basis of recording his name in LR ROR the writ petitioner cannot establish his absolute title over the aforementioned two plots of land.
10. In view of such, this Court thus finds no merit in the instant writ petition.
11. Accordingly, the instant writ petition being WPA 27945 of 2023 is dismissed.
12. There shall be, however, no order as to costs.
13. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)