

14.5.2025
SL No.6
Court No.1
(tk)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Mandamus Appellate Jurisdiction**

MAT/33/2025

Dhanesh Barman
-vs-
Union of India & Ors.

Mr. K. Das, for appellant.

1. The appeal is directed against the judgment and order dated April 7, 2025.
2. By the impugned order, the Court found that the land sold to the petitioner by his vendor was earlier acquired under section 6 of the Land Acquisition Act and was published in the Kolkata Gazette on March 6, 2002. The compensation was duly paid to the recorded owner, namely Tushar Kanti Ghosh on August 6, 2002.
3. It is on this basis that the Court found that the grievance of the petitioner, if at all against his vendor Tushar Kanti Ghosh, though not in so many words.
4. Learned counsel for the appellant produces certain documents before this Court today to indicate that he has purchased 1.15 acres of land

out of the free hold property of Tushar Kanti Ghosh, comprising in 1.19 acres of land. This land, according to the petitioner, was not part of the first acquisition proceeding, but was part of the second acquisition proceeding done in the year 2010. The petitioner purchased this land in 2021.

5. It is, therefore, clear and explicit that even with the documents produced by the appellant not hitherto available when the matter was moved before the Single Bench, the petitioner has purchased the land that had already been acquired in the year 2010 by the State.
6. In those circumstances, the grievance of the petitioner, if any, is against his vendor Tushar Kanti Ghosh who has sold the land of 1.15 acres despite the same having been acquired by the State.
7. In those circumstances, the remedy of the petitioner is, as already stated above, against his vendor Tushar Kanti Ghosh, and the impugned order calls for no interference.
8. MAT/33/2025 accordingly stands dismissed.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)