

D/L 46
08.01.2025
Court. No. 3
Aritra

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 1327 of 2024

**Nimai Ghosh & Anr.
Vs.
The State of West Bengal & Ors.**

Ms. Rima Sarkar
Ms. Sidhi Sethia

....for the petitioner

Mr. Hirak Barman
Mr. Bikash Singha

....for the State

1. A photocopy of the report dated 03/12/2024 as submitted by the Sub-Divisional Relief & Rehabilitation Department, Jalpaiguri is taken on record.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of an appropriate writ against the respondent No.4, i.e., The Special Land Acquisition Officer and the Competent Authority under the National Highways Act for disbursement of the compensation amount for acquisition of the petitioner's land measuring about 0.12 acre, R.S. Plot No.1016 corresponding to L.R. Plot No.1285 R.S. Khatian No.357, Mouza- Kismat Sukhani, J.L. No.10, P.S.- Rajganj, District- Jalpaiguri.
3. Ms. Sarkar learned advocate for the petitioner at the very outset draws attention of this Court to page no.20, 21, 23 and 24 of the writ petition being the photocopy of the patta and the rectification deed whereby and whereunder 0.735

acres of land in plot No.1016 was given to the writ petitioner. It is submitted that at the time of acquisition by the National Highways Authority the record of right in respect of R.S. Plot No.1016 was not updated and the same stood recorded in the name of RR & R Department and thus the writ petitioner was not disbursed with the compensation amount for such acquisition.

4. In support of her contention Ms. Sarkar draws attention of this Court to the last paragraph of the report dated 03/07/2024 as submitted by Special Land Acquisition Officer, Jalpaiguri wherefrom it reveals that in respect of remaining 0.11 acres of land compensation amount remains undisbursed since the same stands in the name of the said Department. Drawing attention to the report as submitted by the respondent authorities today it is further contended by Ms. Sarkar that from the said report it would reveal that the R.S. Plot No.1016 and 239 (P) patta was granted in favour of the writ petitioner to the extent of 0.735 acres.
5. Learned advocate for the State does not dispute that at the time of acquisition for the National Highway Authority the relevant plot of land stood in the name of writ petitioner by virtue of the aforementioned patta. He further submits that since record of right was not updated at the time of said acquisition the compensation amount was kept reserved with the respondent No.4 authority.
6. On consideration of the entire materials as placed before this Court it thus reveals to this Court that at the time of

acquisition of 0.1 acre of land in R.S. Plot No.1016 corresponding L.R. Plot No.1285 patta was granted to the writ petitioner to the extent of 0.735 acres out of which admittedly 0.12 acres of land was acquired and since at that material time the record was not updated the compensation amount on account of such acquisition was not disbursed in favour of the writ petitioner.

7. In view of such while allowing the instant writ petition this Court directs the respondent No.4 to disburse the compensation amount for acquisition of 0.12 acres of land in respect of R.S. Plot No.1016 corresponding L.R. Plot No.1285 to the writ petitioner positively within four weeks from the date of communication of this order.
8. Before parting with, it is pertinent to mention herein that the writ petitioner has a similar grievance against the respondent Nos.7 to 9 for acquiring 0.16 acres in R.S. Plot No.1016. Since the cause of action for the said claim is different no relief is granted to the writ petitioner in respect of his prayer (a) as made in the writ petition. However, liberty is granted to the writ petitioner to file a separate writ petition in respect of his prayer made in prayer (a) of the instant writ petition and in the event such writ petition is filed the instant judgment will not operate as a *res judicata* in the said proposed writ petition.
9. With the aforementioned observation the instant writ petition being **WPA 1327 of 2024** is disposed of.

10. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Partha Sarathi Sen, J.)