

D/L - 4
07/11/2025
Court. No. 2
Aritra

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

WPA 2240 of 2025

**Shri Niren Sarkar @
Nirendra Nath Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Ajay Singhal
Ms. Chiroshhre Dey

....for the petitioner

Mr. Arjun Ray Mukherjee
Mr. Deborshi Dhar

....for the SJDA

Mr. Subir Kr. Saha, Ld. AGP
Mr. Nabankur Paul

....for the State

The petitioner claims to have purchased land being plot Nos.148 and 151 pertaining to Khatian No.653, J.L. No.99, Mouza Dakshin Bagdogra in the District of Darjeeling near Bagdogra International Ariport. The petitioner claims to be operating a hotel under the name and style M/s. Sunit Hotel which is situated on the aforesaid plots of land. Petitioner claims to have made construction of the hotel after the character of the land was converted from Rupni to Bastu by the concerned authority.

The cause of action for filing the writ petition is that on October 31, 2025 certain officials of the Siliguri Jalpaiguri Development Authority (SJDA) accompanied by some police personnel came to the petitioner's hotel and directed the petitioner to vacate the premises within November 3, 2025. Petitioner alleges that no notice to such effect was provided to the petitioner.

Yesterday i.e. on November 6, 2025, when this matter was taken up, the learned advocate appearing for the SJDA authorities filed certain documents in support of their contention that the plots in question were the subject matter of land acquisition proceedings initiated in the year 2005-06 and an award has been published. From the said documents it was recorded that the name of the petitioner appeared in the list of awardees but the petitioner did not receive the compensation amount. The matter was adjourned to enable the State to file documents.

Today, when this matter was taken up for hearing Mr. Saha, learned Additional Government Pleader assisted by Mr. Paul appears and files a report of the Special Land Acquisition Officer, Darjeeling dated November 6, 2025.

A copy of such report is taken on record.

From the said report it appears that the land of the petitioner measuring about 0.01 acre was acquired vide L.A. Case No.3/4 of 2005-06 vide notification dated October 28, 2005 for construction of Cargo Complex and the award was declared by the Collector on April 9, 2009 and the name of the petitioner featured in serial No.9 of the award list and the compensation amount was Rs.2,65,117/- only and the other land measuring about 0.059 acre has already been acquired in the same year for construction of Multi Utility Facility for Bagdogra Airport in L.A. Case No.4/4 of 2005-06 vide notification dated October 28, 2025 and the award was declared on February 26, 2009. The report further states that in respect of the said plot the name of the petitioner is appearing under serial No.4 of the award list and the compensation was Rs.12,721/- only. The report further states that the petitioner has not received the amount of award compensation and the same is still lying unpaid.

The learned advocate appearing for the petitioner submits that no notice of the acquisition proceeding was served upon the petitioner.

This Court is not inclined to entertain such a plea in this writ petition as the cause of action for filing the writ petition was that the SJDA had come to their property and asked them to vacate. It appears from the documents filed by the State and SJDA authorities that the land of the petitioner was the subject matter of two land acquisition cases which culminated with the passing of the award.

It is well-settled that upon passing of the award the property stood vested upon the State.

For such reason this Court is not inclined to grant any relief to the petitioner on the basis of the averments made in the writ petition.

It will be open to the petitioner to take appropriate steps in accordance with law.

With the above observations **WPA 2240 of 2025** stands disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)