

20.02.2026
Ct. No. 15
Sl. No.10
skg

W.P.A. 3254 of 2026

**Sk. Samsuddin @ Sk Shamsuddin
Vs.
The State of West Bengal & Ors.**

Mr. Omar Taruk Gazi,
Mr. Maidul Islam Kayal,
Mr. Noorul Amin Sarder,
Mr. A. Singh,
Ms. Susmita Das,for the petitioner

Mr. Himadri Sekhar Chakraborty,
Mrs. Anima Das Chakraborty,
....for the State

Mr. R. Mahato,
Mr. A.S. Roy,
...for the respondent no.13 and 16

The present writ petition has been filed seeking an order restraining the respondent from forcibly and illegally acquiring the petitioner's land situated at Mouza Chakmakrampur, R.S. Dag Nos.2227 and 2228, J.L. No.394, Police Station Kharagpur (Local), District Paschim Medinipur.

Learned Advocate appearing for the petitioner submits that the petitioner's land has been acquired without payment of any compensation. It is further contended that no land belonging to the petitioner can be acquired without payment of compensation. In support of such submissions, reliance has been placed upon the decisions reported at **2023 SCC OnLine Cal 2354 (Enayet Ali Molla & Ors. v. State**

of West Bengal) and (2025) 2 SCC 126 (State of U.P v. Manohar).

Learned Advocate appearing for the State, on the other hand, has placed a report before this Court, a copy whereof has been served upon the learned Advocate for the petitioner. From the said report, it appears that construction of the road was completed on December 29, 2025, i.e., prior to the filing of the present writ petition. In such circumstances, there remains no scope at this stage to grant the reliefs as prayed for in the writ petition.

With regard to the issue of payment of compensation, Mr. Mahato, learned Advocate appearing for respondent nos. 13 and 16, submits that the land in question is joint property comprising as many as 51 co-sharers. It is submitted that a partition suit is presently pending, in which all 51 co-sharers are parties. It is further contended that, save and except the petitioner, all other co-sharers have accorded their consent before the Panchayat Authority for construction of the road.

Learned Advocate for the petitioner disputes such contention and specifically submits that the petitioner has never given his consent for construction of the road over the said land.

Having considered the submissions of the parties, this Court is of the view that unless and until the petitioner's right, title and interest in the land in question are declared by a competent court of law, the petitioner cannot seek compensation from the State in respect of the alleged acquisition. The extent of the petitioner's share and his title thereto must first be adjudicated by the competent Civil Court. Only thereafter can the question of entitlement, if any, and the quantum of compensation payable to the petitioner for acquisition of his share be determined.

Accordingly, **WPA 3254 of 2026** stands dismissed.

There shall be no order as to costs.

Urgent Photostat copy of this order, if applied for, be supplied to the parties on an urgent basis.

(Kausik Chanda, J.)