

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Hiranmay Bhattacharyya

W.P.A. 11407 of 2026

Subala Sardar (Mati)

Vs.

The State of West Bengal & Ors.

For the Petitioner

: Mr. Manoj Kumar Roy
Mr. Ashis Kumar Dutta

For the State

: Mr. Nilanjan Bhattacharyya, S.S.C.
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee

Heard on

: 15/06/2026

Judgment on

: 15/06/2026

Hiranmay Bhattacharyya , J. :

1. The petitioner claims that the plots of land being dag Nos.1004 and 1007 of Mouza-Fultala under Police Station-Habra in the District of North 24-Parganas were owned by Kshirodhar Mati and Lankeswar Mati both since deceased. The petitioner claims to be the daughter of Kshirodhar Mati.

2. The cause of action of this writ petition is the Record of Rights in respect of the aforesaid plots of land which has been issued on July 8, 2025 and annexed at page-21 of the writ petition. The petitioner alleges that from the Record of Rights issued on July 8, 2025, the petitioner came to know that the aforesaid plots of land has been recorded in the name of the Public Works Department of the Government of West Bengal. The petitioner states that from the said Record of Rights, the petitioner came to know that the aforesaid plots of land have been acquired pursuant to an acquisition proceedings dated May 30, 1966. The petitioner alleges that no notice of any acquisition proceeding was issued by the Collector under Section 4(1) (a) of the West Bengal Land (Requisition & Acquisition) Act, 1948.
3. The petitioner has prayed for a direction upon the respondent authorities to restore the name of the predecessors of the petitioner and/or their legal heirs in the Record of Rights in respect of the aforesaid plots of land being dag Nos.1004 and 1007. The petitioner has also prayed for quashing of the entire acquisition proceedings alleged to have been initiated under Act-II of 1948 Act.
4. The learned advocate appearing for the petitioner submits that the petitioner is still in possession of the land in question and no compensation amount has been paid either to the

predecessor-in-interest of the petitioner or to the petitioner herein in respect of the said plots of land. He, thus, submits that the entire acquisition proceedings stood lapsed in view of the provisions laid down under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. In support of such contention he places reliance upon the decision of the Hon'ble Supreme Court in the case of ***Indore Development Authority vs. Manoharlal & Ors.***, reported at ***(2020) 8 SCC 129***. The petitioner has also challenged the authority of the Collector to initiate the proceeding for acquisition.
6. Mr. Bhattacharyya, learned Senior Standing Counsel raises an objection as to the entertainability of this writ petition insofar as the reliefs claimed by the petitioner in prayer (a) of the writ petition. He further submits that the challenge to an acquisition proceeding in respect of plots in question which were the subject matter of an acquisition proceeding of the year 1966 cannot be entertained by way of a writ petition filed in the year 2026.
7. In support of such contention he places reliance upon the decision of the Hon'ble Supreme Court ***Haryana State Handloom & Handicrafts Corpn. Ltd. & Anr. vs. Jain School Society***, reported at ***(2003) 12 SCC 538, Municipal***

Council, Ahmednagar vs. Shah Hyder Beig & Ors., reported at **(2000) 2 SCC 48**, **Babu Singh & Ors. vs. Union of India & Ors.**, reported at **(1981) 3 SCC 628** and **Star Wire (India) Ltd. vs. State of Haryana & Ors.**, reported at **(1996) 11 SCC 698**.

8. Heard the learned advocates for the respective parties and perused the materials on record.
9. The learned advocate appearing for the petitioner submits, on instruction, that in view of the availability of alternative efficacious remedy under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997, he is not pressing the relief insofar as the relief claimed under prayer (a) of the writ petition. Prayer (a) is extracted hereinbelow:-

“(a) A writ in the nature of Mandamus do issue directing the concerned Respondents and the concerned Department to restore the names of the predecessors of the petitioner or their legal heirs in the Record-of-Rights of the land as Raiyat being plot Nos 1004 and 1007 of Mouza-Fultala, Police Station-Habra, J.L. No.147, District-North 24-Parganas.”

10. In the light of the submission made by the learned advocate for the petitioner, the writ petition is not entertained insofar as the relief claimed under prayer (a) as extracted hereinbefore. The petitioner is left free to approach the proper forum insofar as

the reliefs claimed by the petitioner under prayer (a) of the writ petition.

11. It appears from the Record of Rights annexed at page-21 of the writ petition that the plots of land being dag Nos.1004 and 1007 were acquired pursuant to an acquisition proceeding of the year 1966. The petitioner has challenged the aforesaid acquisition proceedings in a writ petition filed only on May 15, 2026.
12. In ***Star Wire (India) Ltd.*** (supra), the Hon'ble Supreme Court after noting several earlier decisions reiterated the proposition of law that challenge to an acquisition proceeding cannot be entertained at the instance of a person who approaches the Court belatedly.
13. In ***Haryana State Handloom & Handicrafts Corpn. Ltd.*** (supra) the Hon'ble Supreme Court after noting the decision in the case of ***Northern Indian Glass Industries vs. Jaswant Singh***, reported at ***(2003) 1 SCC 335*** held that a writ petition filed long after the issuance of notification under Section 4 could not be entertained.
14. In ***Shah Hyder Beig*** (supra), the Hon'ble Supreme Court held that after the award is passed, no writ petition can be filed challenging the acquisition notice or against any proceeding thereunder.

15. The Hon'ble Supreme Court in **Babu Singh** (supra) held that if a person allowed the Government to complete the acquisition proceedings and then attacked such proceedings on the grounds that were available to him at the time when such proceeding was initiated, it would be putting a premium on dilatory tactics. It was further held that length of the delay is an important factor as several acts were done during such interval on the basis of the initiation of the acquisition proceeding.
16. It is now well-settled that an acquisition proceeding cannot be challenged after an inordinate delay. The petitioner failed to satisfactorily explain the inordinate delay in approaching the Writ Court.
17. The decision in **Indore Development Authority** (supra) is not an authority for the proposition that a writ petition challenging an acquisition can be entertained if the petitioner has approached the Court belatedly and after the acquisition proceeding was completed. Thus, the said decision cannot come to the aid of the petitioner.
18. For such reasons, this Court is not inclined to grant any relief to the petitioner.
19. Accordingly, the writ petition stands dismissed with the liberty as preserved hereinbefore.
20. There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)

*Item No.11
Court No.-19
Aritra*