

Sl. 7
19.03.2026
Court No.19
BP

WPA 14334 of 2023

Rahaman Mullick @ Rahaman Ali
Mullick @ Abdur Rahaman Mullick & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana
Mr. S. Maiti
..for the petitioners

Mr. Ayan Banerjee
Mr. Ajeyo Chowdhury
..for the State

The petitioners claim to be joint owners of a plot of land being L.R. Dag No. 3110 within Mouza Mullickbagan under Police Station Panchla in the District of Howrah. The petitioners state that initially the property was sought to be requisitioned by an order under Section 3(1) of the West Bengal Land (Requisition and Acquisition) Act, 1948 being L.A. Case No. 8 (Act II) of 1983-1984. The petitioners thereafter challenged the notice dated 16th December, 1983 under Section 3 (1A) of the 1948 Act by filing an application under Article 226 of the Constitution of India which was registered as C.R. 646(W) of 1984 and the petitioners state that considering the urgency an ad interim order of injunction restraining the respondent authorities from requisitioning and/or acquisitioning the disputed land was passed.

It is the specific case of the petitioners that during the pendency of the said civil rule, the respondent

authorities did not proceed any further in terms of Section 4 of the 1948 Act.

Mr. Mukherjee, learned advocate appearing for the petitioners that since the property of the petitioners was not acquired in accordance with law and also that the same has not been utilized for the purpose for which it was requisitioned, the respondent authorities should be directed to release the property from requisition in terms of the provisions laid down under Section 6 of the 1948 Act.

Mr. Banerjee, learned advocate appearing for the State submits that the possession of the property in question was taken over and made over to the Sub-Assistant Engineer, Howrah Division, Public Health Engineering Directorate and since an ad interim injunction order was passed against requisition and acquisition of the land in question no further action could be taken from the end of the authorities.

The cause of action for filing the writ petition is that sometimes in the month of June, 2023 the men and agents of the Public Health Engineering Directorate came to the aforesaid property of the petitioners and tried to dig earth therefrom but due to strong objection raised by the petitioners those persons left the place with an intimation that on the next time they will take possession of the land with the help of the local police authorities.

It appears from the materials disclosed in the writ petition that an ad interim order of injunction was passed on 2nd February, 1984 in C.R. 646(W) of 1984 in terms of prayer (c) of the writ petition. It further appears that the said civil rule was dismissed as “not pressed” on 22nd November, 2001 and the interim order stood vacated forthwith.

The petitioners have stated on oath that they are in possession of the plots in question. That apart admittedly the petitioners applied for conversion of the classification of the lands in question and pursuant to the application filed by the petitioners the classification of the land was converted from “Shali” i.e. agricultural land to “Bastu”.

It further appears from the information furnished by the Executive Engineer, Howrah Division, Public Health Engineering Directorate that the Public Health Engineering Directorate does not have any construction from water supply scheme on the said plot and not in physical possession of the same. From the said information it further appears that from the available records no documents are found about acquisition of the said piece of land.

Mr. Banerjee, learned advocate appearing for the State, in course of his submission, also submitted that the Public Health Engineering Directorate is not in possession of any portion of the plot in question.

The order of requisition was challenged in a writ petition and an ad interim order of injunction was passed. Petitioners claim to be in possession of the property all through and it is their consistent stand that possession was not taken over by the authorities. The stand of the respondent authorities that they are not in possession of the plot in question has also been placed on record.

Thus the question of releasing the land from the requisition does not arise as the petitioners right of possession in respect of property in question has not been interfered with and the stand of the State that they are not in possession of the property has also been placed on record.

With the above observations, WPA 14334 of 2023 stands disposed of.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)