

Item-
ML-
106.

Ct. 19

sg

WPA 18128 of 2025

Kanu Chandra Debnath
Versus
The State of West Bengal & Ors.

Mr. Shahan Shah
Sk. Abumusa
Md. Shajahan
...for the petitioner
Mr. Lalit Mohan Mahata, ld. AGP.
Mr. Rudranil Dey
...for the State

The petitioner claims to be owner of a portion of LR
Dag No. 1136, LR Khatian No. 1707, JL 19, within Mouza
Thakdari, under Police Station Rajarhat, in the District of
North 24 Parganas by virtue of purchase.

The petitioner claims that he is the recorded owner in
respect of the said plot. The petitioner states that he has come
to learn that the aforesaid land of the petitioner has been
acquired without serving any notice upon the petitioner.

The learned advocate appearing for the petitioner
submits that the aforesaid land of the petitioner has been
utilized without paying any compensation. He thus, submits
that the authority should be directed to pay compensation to
the petitioner under the Right to Fair Compensation and
Transparency in Land Acquisition, Rehabilitation and
Resettlement Act, 2013 Act.

Mr. Mahata, learned Additional Government Pleader
files a report of the Joint Director, Land Acquisition
Department, North 24 Parganas at Barasat dated 28th August,
2025, which is taken on record.

It appears from the said report that plot no. 1136 had been acquired in full vide Land Acquisition Case No.4/225 of 1998-99 for the purpose of establishment of New Township Project in the year of 1999. The notification under Section 4 of Act, 1894 was published in the gazette and a declaration under Section 6 was also published on 24 February, 1999. The possession of property in question was handed over to the requiring body on January 31 2000 and award has been declared against plot no. 1136, in Mouza Thakdari in favour of different persons. From the copy of the award list which has been annexed to the said report, it appears that most of the awardees were verified and only a few were not verified. The award amount in respect of the verified awardees had been deposited by following due process of law. Thus, it appears that the plot in question was acquired by following due process of law.

The acquisition proceeding started sometime in the year 1999 and the petitioner has approached this Court only in the year of 2025. Though the petitioner states that his name has been recorded in the record of right but it appears from the khajna annexed at page 13 of the petition, that the petitioner paid khajna in the name of Sahadeb Mondal and Suran Bala Mondal on November 15, 2010. Thus, it is evident that till 15th November, 2010, the name of the petitoenr was not recorded in the record of rights.

On a query of this Court, the learned Advocate appearing for the petitioner submits that after payment of such khajna, the name of the petitioner has been recorded in

the record of rights. Thus, the petitioner get his name recorded in the record of right after the right, title and interest in the plot in question stood vested upon the State free from all encumbrances. It is well-settled that mutation does not create any title nor does it extinguish the same. Though it is true, that a finally published record of right carries with a presumption of correctness but the same is rebuttable presumption.

In the light of the facts recorded hereinbefore, this Court is of the considered view that the presumption of correctness of the entries in the record of rights stood rebutted.

Thus, this Court is not inclined to accept the contention of the petitioner that plot no. 1136 has been utilized without initiating any proceeding for acquisition.

With the above observation, this writ petition stands disposed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)