

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

BEFORE:

THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA

WPA 19845 of 2008

Kader Hossain

-versus-

**The West Bengal Power Development Corporation
Limited and others**

For the Petitioner : Mr. B.N. Ray

For the Respondent nos. 1 to 4: Mr. Ranjay De, Sr. Advocate
Mr. Basabjit Banerjee
Mr. Adityajit Abel Bose

For the State : :Mr. Chandi Charan De, Ld. Addl. Govt. Pleader
: Mr. Anirban Sarkar

Heard on : 27.04.2026

Judgment on : 27.04.2026

Hiranmay Bhattacharyya, J.:-

1. The petitioner claims to be the recorded owner of Plot No. 453 measuring about 1.95 acres within Mouza Kanchanpur under Police Station Raghunathganj in the District of Murshidabad. Pursuant to a proceeding

initiated under Section 14T(3) read with Sections 14M, 14P, 14S and other provisions of the West Bengal Land Reforms Act, 1995 read with the relevant rules, the aforesaid plot of land was allowed to be retained by the petitioner. The said plot along with several other plots were the subject matter of an acquisition proceeding being APP Case No. 155/02-03.

2. Mr. Ray, learned advocate appearing for the petitioner submits that though notices under Section 12(2) of the Land Acquisition Act, 1894 was served upon the petitioner directing the petitioner to attend the office of the L.A. Collector to receive the compensation amount in respect of other plots of land but no notice under Section 12(2) of the 1894 Act was issued insofar as Plot No. 453 is concerned. He submits that no compensation in respect of Plot No. 453 has been paid to the petitioner till date. He draws the attention of the Court to a memo dated 20th September, 2007 issued by the Special Land Acquisition Officer, Murshidabad informing the petitioner that payment of compensation in respect of Plot No. 453 could not be made as the same is not free from court litigation and the same is now the subject matter of a Special Leave Petition being No. 1416 of 1997 as per the report of the Block Land and Land Reforms Officer, RaghunathGanj-I. He submits that the respondent authorities have released payment in respect of the other plots of land which also form part of the retained land schedule except Plot No.453. He, therefore, submits that the respondent authorities could not have avoided to release compensation in respect of Plot No. 453.

3. Mr. Ray, learned advocate appearing for the petitioner submits that the petitioner is also entitled to crop compensation in terms of the agreement dated 31st December, 2007 entered into between the West Bengal Power Development Corporation Limited on one hand and the petitioner on the other in respect of plot no. 453. He submits that payment on account of crop compensation has also not been released for identical reasons.
4. Mr. Chandi Charan De, learned Additional Government Pleader appears for the State and submits that since a Special Leave Petition is pending before the Hon'ble Supreme Court as per the report of the Block Land and Land Reforms Officer, the compensation amount in respect of Plot No. 453 has not been released. He submits that immediately after the Special Leave Petition will be disposed of, a decision for release of the compensation in favour of the petitioner will be taken.
5. Mr. Ranjay De, learned senior advocate appearing for the West Bengal Power Development Corporation submits that the requisite funds in respect of the plots of land which was acquired and handed over to the West Bengal Power Development Corporation i.e. the requiring body has been placed with the L.A. Collector. He, therefore, submits that the requiring body cannot be faulted for non-release of the amount of compensation amount by the concerned L.A. Collector.
6. Insofar as the payment of crop compensation is concerned, Mr. De submits that Plot No. 453 does not form the subject matter of the agreement dated 31st December, 2007 and, therefore, the petitioner is entitled to any

amount on account of crop compensation insofar as the Plot No. 453 is concerned.

7. Heard the learned advocates for the parties and perused the materials placed.
8. The ordersheet passed in a proceeding initiated under Section 14T(3) of the West Bengal Land Reforms Act and the Rules framed thereunder being Case No. 3(3)/90 has been annexed to this writ petition. After going through the said ordersheet this Court finds that the Revenue Officer by an order dated 22nd January, 1991 ordered that the Raiyat namely, Kader Hossain i.e. the petitioner herein and his family is allowed to retain 20.75 acres of land in non-irrigated area under Section 14N of the West Bengal Land Reforms Act and the retained land was mentioned under Schedule A of the said order which form part of the said proceedings. From the schedule of the retained lands which is annexed at page 46 of the writ petition it appears that L.R. Plot No. 453 along with Plot Nos. 417, 366 and 143 also form part of the retained land schedule. From the seal and signature appearing on the copy of the notices issued under Section 12(2) of the 1894 Act it appears that compensation amount in respect of plot nos. 143, 417 and 366 has been paid to the petitioner. Thus it is evident that the respondent authorities have released the compensation in respect of the other plots of land namely plot Nos. 417, 366 and 143 which form part of the retained land schedule except plot no. 453.

9. In view thereof the grounds stated in the memo dated 20th September, 2007 issued by the Special Land Acquisition Officer, Murshidabad that compensation cannot be released in respect of the land involved in the court litigation cannot be accepted by this Court when the compensation in respect of other lands falling within the retained lands has been released in favour of the petitioner.
10. This Court shall now deal with the submission of Mr. Ray, learned advocate appearing for the petitioner insofar as the allegation of non-payment of amount on account of crop loss compensation is concerned.
11. For the purpose of effective adjudication of the said issue it would be relevant to take note of some of the clauses of the agreement dated 31st December, 2007 for which the same are extracted hereinafter.

“b. As for that purpose of acquisition, the First Party shall have to move the Government of West Bengal and the Land Acquisition Collector of the area and it would take some time, the Second Party shall deliver possession of the said land to the First Party immediately and pending acquisition.

c. Pending finalization of the proposed acquisition proceedings the First Party shall pay to the second Party Crop loss compensation, in respect of the said land on annual basis and the amount of such crop loss compensation shall be determined taking the rate fixed by the District Agricultural authorities for such type of land.

d. Upon finalization of the acquisition, the First Party shall not, any more, be required to pay crop loss compensation.”

12. Upon a conjoint reading of the aforesaid clauses it appears to this Court that the requiring body agreed to pay crop loss compensation to the

petitioner in respect of the plots for which possession would be delivered immediately upon entering into such agreement pending finalization of the acquisition proceedings. Annexure A thereto specifies the plots for which the crop loss compensation would be paid and Plot No. 453 does find place in the said schedule.

13. Mr. Ray, learned advocate appearing for the petitioner also could not produce any document to show that possession of the Plot No. 453 was handed over by the petitioner to the requiring body immediately upon execution of the agreement dated 31st December, 2007. Since Plot No.453 does not form part of the said agreement, this Court holds that the petitioner is not entitled to any crop loss compensation insofar as Plot No. 453 is concerned.
14. This Court has already held that the petitioner is entitled to compensation in respect of Plot No. 453 and the reasons assigned by the respondent authorities for withholding payment of compensation is not accepted by this Court.
15. Accordingly the Memo dated 20.09.2007 and 15.02.2008 are set aside.
16. This Court, therefore, directs the Collector, Land Acquisition, Murshidabad and the Special Land Acquisition Officer, Murshidabad being the respondent nos. 5 and 6 to disburse the compensation amount along with other amounts which the petitioner may be entitled to in respect of Plot No. 453 to the petitioner as expeditiously as possible but positively within a period of six weeks from the receipt of a server copy of this order.

17. With the observations and directions, WPA 19845 of 2008 stands disposed of.
18. There will be no order as to costs.
19. All parties shall act on the server copy of this judgement and order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

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