

Item-
23. 20-03-2026

WPA 26380 of 2025

sg Ct. 19

Shib Chandra Ray Chaudury Trust Estate,
Represented by its Trustees (a) Siddhartha Roy Chowdhury
Versus
The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Swapan Kumar Kar
...for the petitioner
Mr. Vimal Kumar Shahi, AGP
Ms. Sangeeta Roy
...for the State

The petitioner claims to the owner of a plot of land being RS plot No. 562, within Mouza Kodalia, JL No. 36, under Police Station Khardah, in the District of North 24 Parganas. The petitioner also claims to be owner of a plot of land being RS plot no. 735/1454, within Mouza Bisharpara, JL No. 5, under Police Station Dum Dum, in the District of North 24 Parganas. The aforesaid plots were sought to be acquired for the purpose of Nawai Basin Drainage Scheme by initiating a requisition proceeding under the West Bengal Land (Requisition and Acquisition) Act, 1948, being case no. LA II/18 of 1967-68.

The petitioner states that the aforesaid plots of land were initially requisitioned by passing an order under Section 3(1) of the West Bengal Land (Requisition & Acquisition) Act, 1948. Possessions of the aforesaid lands including the other lands were taken and the same have been utilized for the purpose of construction of Nawai Basin Drainage Scheme for which it was requisitioned. It is the further case of the petitioner that the lands were not acquired in accordance with law and no compensation amount has also been paid to the

petitioner.

Mr. Mukherjee, learned Advocate appearing for the petitioner, submits that the purpose for which the lands were requisitioned was a permanent purpose and the properties have already been utilized. He further submits that though the possession of the lands in question was taken by invoking the provisions of Section 3 of the 1948 Act, but no award was declared in respect of the plots of the petitioner. He further submits that when the properties of the petitioner have been utilized, the authorities are duty bound to pay compensation to the petitioner. He further submits that several writ petitions were filed by the land owners whose plots were involved in the said requisition proceeding and the Coordinate Bench have passed several orders directing payment of compensation to the petitioner under the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter '2013 Act') within a specified time limit. He submits that since the petitioner is similarly situated with that of the petitioners in the other writ petitions, the respondent authorities should be directed to pay compensation to the petitioner under the 2013 Act.

Heard the learned Counsel for the State.

A report in form of an affidavit has been filed by the Special Land Acquisition Officer, North 24 Parganas, being the fourth respondent.

It has been admitted in the said report that RS plot no. 562, within Mouza Kodalia and RS plot no. 735/1454 within Mouza Baisarpara along with other plots form part of

the said Drainage Project. It has been further admitted that the physical possession of the aforesaid plots were taken over on 15th April, 1968 and handed over to the Irrigation and Waterways Department, Government of West Bengal for public use but the acquisition proceeding was not carried to its logical conclusion and the payment of compensation also remain incomplete. The report further states that a joint inspection was also conducted on 26th May, 2014 and was found that the aforesaid plots have been utilized by the requiring body as part of canal.

Thus, from the stand of the State it is not in dispute that the aforesaid plot of lands which are claimed to be owned by the petitioner have been utilized for a drainage project. The petitioner is claiming parity with the petitioners in other writ petitions involving self-same requisition proceeding, being acquisition case No. LA II/18 of 1967-68.

From the materials disclosed in this writ petition, it is evident that a coordinate Bench passed an order dated 9th December, 2014 in WP 22303(W) of 2013 directing the State authorities including the Land Acquisition Collector to assess the current market price and pay land compensation under the 2013 Act within six months and the State authorities were also directed to pay rent compensation amount within six months from the date of communication of the said order. Similar orders were passed in the writ petitions filed at the instance of the other land owners whose plots were also involved in the aforesaid proceeding.

From the facts recorded hereinbefore, it is evident that the petitioner is similarly situated with the writ

petitioners in WP 22303(W) of 2013. Thus, the petitioner is entitled to a similar order in this writ petition with that of the petitioners in the aforesaid writ petition.

Accordingly, the writ petition stands disposed of with a direction upon the respondent authorities including the Land Acquisition Collector to assess the current market price and also pay the land compensation under the 2013 Act within six months from the receipt of a server copy of this order.

The State authorities are also directed to pay rent compensation till before the fair price compensation is paid to the petitioner and such rent compensation shall also paid to the petitioner within six months from the receipt of a server copy of this order.

WPA 25380 of 2025 stands disposed of.

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

(Hiranmay Bhattacharyya, J.)