

Court No. 19
(265719)

10.04.2026
(AD 10)
(S. Banerjee)

WPA 26738 of 2025

Mohammad Ansar Ali
Vs.
The State of West Bengal & Ors.

Ms. Usha Maiti
Mr. Sakya Maity
Mr. Gourav Kumar

...for the petitioner

Mr. Debabrata Banerjee
Ms. Nilofer Siddique

...for the State

Ms. Suddhadev Adak

...for the WBIDCL

The petitioner has challenged the order of the Special Land Acquisition Officer, Paschim Medinipur dated May 7, 2025 in this writ petition.

An area of land measuring about 4 acres of plot no. 199 within Mouza Ruisanda, JL 211 was acquired and the petitioner's name finds place as one of the awardees. Petitioner had been paid a sum of Rs 2,46,254/- (Rupees two lakh forty-six thousand two hundred and fifty four only) through LA cheque being no. 069145 dated February 23, 2009 for the portion of the land of the petitioner which was acquired being 0.2308000 acres.

Petitioner claims that though the petitioner was a co-sharer in respect of plot no. 199 having a share

of about 33 ½ decimals but the compensation amount was determined taking into account the share of the petitioner in the said plot to be only 22 decimals.

Ms. Maiti, learned advocate appearing for the petitioner submits that the petitioner became the owner of 33 ½ decimals of land in plot no. 199 by virtue of purchase. She draws the attention of the Court to a certificate of mutation in support of her contention that 0.3350 acres in plot no. 199 has been recorded in the name of the petitioner. She further submits that the petitioner has paid rent in respect of 33 ½ decimals in the subject plot of land. She submits that in spite of the fact that the certificate of mutation was issued in favour of the petitioner to the extent of 0.3350 acres in the said plot of land, but the compensation amount has been determined only in respect of 23 decimals.

Heard the learned advocates for the State on such submission.

Petitioner claims to have purchased 0.3350 acres of plot no. 199 through registered deed dated June 9, 1993. The petitioner filed an application for mutation of his name against 11 ½ decimals of land in plot no. 199 on the ground of purchase through

the said registered sale deed. On the basis of such application a proceeding under section 50 of the West Bengal Land Reforms Act being case no. 1126A/2008 was initiated and the Revenue Officer, Block Land and Land Reforms Officer, Kharagpur I passed an order dated December 18, 2008 holding that 11 ½ decimals cannot be deducted from the khatians noted in the said order. Accordingly, the mutation case was disallowed and disposed of.

Being aggrieved by the order dated December 11, 2008 passed by the Revenue Officer, petitioner preferred an appeal under Section 54 of the West Bengal Land Reforms Act. The said appeal was disposed of by an order dated May 4, 2021 thereby holding that the petitioner's prayer for recording his name in the record of rights has no leg to stand. The said order has attained finality as the same has not been challenged before any superior forum.

It is not in dispute that the petitioner received the notice under Section 12(2) of Act I of 1894 dated March 3, 2009 indicating the date of the award as well as the sum of money which is payable to the petitioner. It is not in dispute that the compensation amount as indicated in the notice under Section 12(2) of the Act I of 1894 has been received by the

petitioner. The petitioner is aggrieved by the inaction on the part of the respondent authorities in not paying compensation in respect of 11 ½ decimals of plot no. 199 over and above 23 decimals.

Section 18 of the 1894 Act states that any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be about the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

It is not in dispute that the award was declared in respect of 4 acres of land in plot no. 199. Petitioner claims that he is entitled to a higher compensation as the compensation paid to the petitioner was determined treating the petitioner to be interested to the extent of 23 decimals of land and not 33 ½ decimals. Thus, the dispute sought to be raised by the petitioner falls within the expression “the persons to whom it is payable” and/or “the apportionment of the compensation among the persons interested”.

The aforesaid disputes as sought to be raised by the petitioner in this writ petition, falls squarely with

the scope of Section 18 of the Land Acquisition Act of 1894.

Sub-section (2) of Section 18 prescribes a period of limitation for raising such a dispute. The receipt of the notice under Section 12(2) of the 1894 Act is not in dispute. The petitioner has not approached the Collector for a reference to the Court for determination of the dispute which the petitioner is now seeking to canvass.

The Special Land Acquisition noted that the Requiring Body supplied the authenticated Record of Rights collected from the office of the concerned Block Land and Land Reforms Officer. Award was declared by the Collector and compensation was paid to the petitioner. It was also recorded in the said order that in the Record of Rights the share of the petitioner was recorded to the extent of 0.22 acres in respect of the plot in question and the name of the petitioner finds place under Award Serial No. 192.

As observed hereinbefore, petitioner was unsuccessful before the Appellate Authority in the proceeding arising out of the Mutation Case in respect of 11 ½ decimals.

No material could be produced by the petitioner before this Court for this Court to arrive at a

conclusion that the order impugned suffers from perversity.

It is now well-settled that the judicial review is not an appeal against the decision of the authorities but it is a review of the decision making process.

The petitioner was afforded an opportunity of hearing. The materials placed before the authority was considered and the Special Land Acquisition Officer, Paschim Medinipur passed a detailed order after considering the materials that were available on record and assigned cogent reasons in support of the ultimate conclusion.

Thus, there is no infirmity in the decision making process warranting interference under Article 226 of the Constitution of India.

With the above observations, this writ petition stands disposed of.

(Hiranmay Bhattacharyya, J.)