

Court No. 19
(265719)

19.03.2026
(AD 10)
(S. Banerjee)

WPA 30859 of 2024

Rabi Sadhan Maji
Vs.
State of West Bengal & Ors.

Mr. D. N. Bose
Mr. Sujit Chowdhury

...for the petitioner

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee

...for the State

Leave is granted to the learned advocate-on-record of the petitioner to add the District Land Acquisition Collector, Purba Bardhaman as a party-respondent in this writ petition.

Petitioner alleges that the property of the petitioner being LR Dag No. 3377 and 3378 within Mouza – Debpur, JL No. 35 under Bhatar Police Station in the district of Purba Bardhaman, has been utilised for the purpose of construction of Water Course of Canal of Panagarh Branch Canal. Petitioner alleges that though the property of the petitioner has been utilised but no compensation has been paid to the petitioner till date. The petitioner has challenged the valuation reports dated August 30, 2024 and September 2, 2024 in this writ petition.

Learned advocate appearing for the petitioner submits that the valuation of the property of the petitioner which has been utilised for a public purpose, has been determined at an abnormally low rate and the petitioner is not agreeable to accept the valuation assessed by the authorities.

Mr. Mukherjee, learned advocate appearing for the State draws the attention of the Court to the order dated May 3, 2024 passed a coordinate Bench in WPA 3387 of 2023 and submits that the coordinate Bench directed the Executive Engineer Damodar Head Works Division, Irrigation and Waterways Directorate, Government of West Bengal to take necessary steps for execution of the deed of purchase in respect of the subject-land upon ascertaining the extent of right of the petitioner over subject-land within the period specified in the said order in accordance with the prevailing Government Purchase Rules, 2016. Mr. Mukherjee submits that the valuation has been calculated in accordance with the Rules of 2016.

Pursuant to the orders passed by this Court the report of the Deputy Commissioner of Stamp Revenue (Legal), West Bengal dated February 21, 2026 filed by Mr. Mukherjee, learned advocate appearing for the State, is taken on record. A copy of such report has

been supplied to the learned advocate appearing for the petitioner.

Learned advocate appearing for the petitioner submits that the petitioner is not ready and willing to accept the valuation of the utilised property as indicated in the reports filed by the respondent authorities from time to time.

From the reports filed by the respondent authorities it is not in dispute that portion of the property of the petitioner being Dag Nos. 3377 and 3378 have been utilised. Though the petitioner claims that the total measurement of the aforesaid plots which have been utilised is 14.96 decimals but in the report of the Executive Engineer dated December 1, 2025 it has been stated that the total measurement of the plots utilised is about 14.46 decimals.

Thus, it appears that there is also a dispute as to the extent of the property of the petitioner which has been utilised.

In case a land is proposed to be transferred by way of sale, the consideration money has to be agreed upon between the parties prior to execution of the deed of conveyance.

In the case on hand, the parties are not ad idem on the market price of the property utilised.

Though the coordinate Bench by the order dated May 3, 2024 in WPA 3387 of 2023 recorded the submission of the learned advocate appearing for the petitioner that the petitioner accepts the proposal advanced on behalf of the State-respondents and directed the State-respondents to take steps in accordance with the prevailing Government Purchase Rules, 2016, but there is nothing on record to show that at the relevant point of time when the order dated May 3, 2024 was passed, parties agreed to the consideration money, which is the foundational basis of a transfer of property by way of agreement between the parties.

At this stage Mr. Mukherjee, learned advocate appearing for the State, prays that this matter be adjourned for two weeks to enable him to take further instructions in this matter.

This matter has been adjourned from time to time in order to ascertain whether the parties can come to an agreement on the consideration money but this Court finds that the parties are at variance on such issue.

No useful purpose will be served in adjourning the matter since admittedly the property of the petitioner has been utilised and the compensation money has not yet been paid. To the mind of this Court, the respondent authorities should be directed to initiate a proceeding for acquisition of the property of the petitioner which has been utilised for a public purpose and to complete the entire exercise within a specified time.

The respondent authorities including the Land Acquisition Collector, Purba Bardhaman, being the added respondent, are directed to initiate appropriate proceeding for acquisition of the land in question under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as expeditiously as possible and conclude the entire process including payment of the compensation amount by the end of the month of July, 2026.

At this stage Mr. Mukherjee, learned advocate appearing for the State, submits that liberty be given to the respondent authorities to come with a proposal for payment of compensation amount in terms of the Direct Purchase Policy, 2016.

It will be open to the respondent authorities to make such a proposal to the petitioner within a period of three weeks from the receipt of a server copy of this order and if such a proposal comes, it will be open to the petitioner to consider the same and communicate his decision to the said respondent authorities immediately thereafter.

(Hiranmay Bhattacharyya, J.)