

10.
(DL)

16.02.2026
Ct. No. 05
(ARPAN)

IN THE HIGH COURT AT CALCUTTA
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 142 OF 2026

AMIJUL MIYA & OTHERS
VS.
THE STATE OF WEST BENGAL & OTHERS

Mr. Ankur Barman, Adv.
Ms. Ankita Barman, Adv.
...for the Petitioners

Mr. Sandip Guha Roy, Adv.
...for the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. It is submitted by the petitioners that though land was acquired from the predecessor-in-interest of petitioner nos.1 to 6 and petitioner no.7 but appropriate compensation was not paid in terms of the relevant provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948 (hereinafter referred to as ‘said Act of 1948’).
3. Petitioner nos.1 to 6 being successors-in-interest of the land owner and petitioner no.7 have approached this Court with the present writ petition claiming enhancement of compensation on applying the relevant provisions of the said Act of 1948.

4. State respondents are represented by learned advocates who has submitted a memo dated 10th February, 2026 issued by the Special Land Acquisition Officer, Cooch Behar wherein it is disclosed that requisition case no.9/76-77 was initiated by the then Land Acquisition Collector, Cooch Behar under the said Act of 1948 relating to plot nos.156, 157, 158, 159 and 160 under Mouja: Atpukuri, JL 127 Block-Mathabhanga-II for construction of diverted road from 3rd Mile to 9th Mile of Falakata Shildanga Road, Cooch Behar.
5. It is also disclosed in the memo dated 10th February, 2026 that one Pachhiruddin Miya father of the petitioner nos.1 to 6 and petitioner no.7 had received compensation as per voucher of payment dated 10th September, 1986 in connection with requisition case no.9/76-77.
6. Said memo dated 10th February, 2026 along with relevant documents are taken on record.
7. From the aforesaid memo dated 10th February, 2026, it appears that predecessor-in-interest of petitioner nos.1 to 6 and petitioner no.7 had received compensation far back in 1986 without any demur.
8. Present writ petition has been filed approximately forty years after receiving compensation seeking

revision of the same at a higher rate in terms of the relevant provisions of the said Act of 1948.

9. If land owners were not satisfied with the rate of compensation, they could have raised objection at the material point of time but writ petition does not disclose any contemporaneous document showing objections were raised by the land owners.
10. On payment of compensation to the predecessor-in-interest of petitioner nos.1 to 6 and petitioner no.7 requisition case no.9/76-77 was closed. Therefore, at this belated stage, Court does not find it apt to reopen the issue.
11. Hence, writ petition stands dismissed.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)