

15.06.2026
Sl. No.32
Ct. No.6
gd

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

WPA/651/2026

**Sajal Roy
versus
The State of West Bengal & Ors.**

Mr. Subham Gupta
...for the Petitioner.

Mr. Kunaljit Bhattacharjee, AGP
Mr. Samar Rakshit
...for the State.

Mr. Arjun Ray Mukherjee (through virtual mode)
Mr. Deborshi Dhar
...for the Respondent Nos.4 & 5.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for handing over physical possession of rehabilitated developed plot of land measuring 3 *kathas* (Category C-55) allotted to the petitioner under the rehabilitation scheme pursuant to the land acquisition in L.A. Case No.14/4 of 2004-05 in a time-bound manner.
3. The petitioner contends that his father late Brojen Roy @ Brajendra Chandra Roy was the absolute owner of land measuring 0.33 acres in Mouza-Kawakhali, part of plot

no.258 (presently L.R plot no.308), J.L no. 75(98), Khatian no.32, Police State-Matigara (*hereinafter referred to as the 'subject land'*). During his life the father of the petitioner sold 0.15 acres of land to Smt Ranu Deb, 0.05 acres in favour of Shishir Biswas & Bani Biswas and 0.05 acres to Samir Chakraborty & Smt Sati Chakraborty. Thus said Brojen Roy was left with only 0.08 acres of subject land. The land measuring 0.05 acres transferred to Sishir Kumar Biswas & Smt. Bani Biswas and land measuring 0.05 acres transferred to Samir Chakraborty & Smt. Sati Chakraborty by late Brojen Roy were not mutated. Due to erroneous mutation wrong inclusions were made in the name of Smt. Pramila Roy (mother of the petitioner) and the petitioner, Sajal Roy. The revenue records showed excess 0.10 acres in the name of the petitioner and his mother. As the purchasers whose names were not mutated did not receive any compensation, they filed writ petitions being WPA 1441 of 2024 and WPA 1451 of 2024. During hearing of such writ petitions, such error in the mutation was detected. Both the writ petitions were withdrawn since the petitioners transferred

the excess compensation amount received by him in favour of the private respondents. However, despite making payment of the aforesaid amount by the petitioner to the private respondents, the plot under the scheme has not been handed over to him. On 18th October, 2025, the petitioner made a comprehensive representation before respondent no. 5, Chief Executive Officer, Siliguri Jalpaiguri Development Authority (in short SJDA) for redressal of his grievance, however no steps have been taken as yet. Hence, this writ petition.

4. Mr. Subham Gupta, learned advocate for the petitioner submits that the matter be relegated to the appropriate authority for taking a decision on the representation of the petitioner.
5. Mr. Arjun Ray Mukherjee, learned advocate through virtual mode representing SJDA submits that in the event the matter is sent to the authority, it will take a decision in accordance with law.
6. Mr. Kunaljit Bhattacharjee, learned Additional Government Pleader representing the State submits that SJDA is the appropriate authority to decide on the issue.

7. In view of the above submissions advanced on behalf of the respective parties, respondent no.5, the Chief Executive Officer, Siliguri Jalpaiguri Development Authority (SJDA) is directed to consider the representation of the petitioner dated 18th August, 2025, annexure P-5, and dispose of the same by passing a reasoned order in accordance with law upon notice to the petitioner as well as all interested parties including private respondents within a period of eight weeks from the date of communication of this order.
8. Reasoned order shall be communicated to the petitioner within one week of passing thereof.
9. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, the Chief Executive Officer, Siliguri Jalpaiguri Development Authority (SJDA) for necessary action.
10. With the aforesaid directions, the writ petition being **WPA 651 of 2026** is disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.

13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)