

In the Court of the District Judge, Birbhum at Suri

Misc. Case – 97 of 2024

CNR No. WBBB01-004310-2024

Present:- Smt. Arti Sharma Roy (WB00149)

District Judge, Birbhum.

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18.04.2026

Today stands fixed for hearing of petition dt. 21.06.2025 preferred by respondent no. 1 to 4 for withdrawal of compensation amount in terms of the order dt. 30.08.2024 passed by Hon'ble Supreme Court of India in M.A no. 1429/2024 with M.A Diary no. (S) 29029/2024 in Civil Appeal no. 2672/2024.

I have heard in detail submission of Ld. Senior Lawyer for the respondent no.1 to 4 and also Ld. Senior Lawyer for the State who are present before the Court.

Shorn of unnecessary details the undisputed facts are produced herein-below in order to have a clear picture of the facts for citing the points canvassed by the original Respondent's advocate in this hearing.

L.A Case no. 2/1986-87 under West Bengal Land (Requisition and Acquisition) Act 1948 was initiated over the requisition of land measuring 20 decimals appertaining to plot no. 5062, JL no. 95, RS Plot no. 3049/4176 under Mouza Sainthia, Birbhum. Position of the requisitioned land was handed over to Sainthia municipality, the requiring body which has developed the land by construction of community hall and a childrens' park. The present Respondent / land owners challenged the requisition of the land by filing a writ petition before the Hon'ble High Court in the year 2006. The writ petition was disposed of by Hon'ble High Court wherein action of the State Government in requisition of the land under reference was nullified. Against this judgment Sainthia municipality felt aggrieved and preferred an appeal before Hon'ble Division Bench. This writ petition was also decided by Hon'ble Division Bench directing the State to start fresh acquisition process in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Being aggrieved against this judgment Sainthia Municipality preferred SLP (C) no. 2698/2024.

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Hon'ble Supreme Court of India decided Civil Appeal no. 2672/2024 arising out of SLP (C) no. 2698/2024 by upholding the judgment and order of Hon'ble Division Bench dt. 19.02.2024 on consent of the parties and passed an order for arbitration with further direction in para no. 15 that "As soon as the award will be passed, the appellant-municipality and the State Government are directed to pay 50% of the compensation amount, so awarded to the respondent-land owners, unconditionally and the balance 50% shall be paid subject to their furnishing adequate security. In case the award is not challenged by the parties, in that event, the respondent-land owners shall be discharged of the security furnished for the 50% compensation amount, after six months of passing the award". To determine the compensation in respect of the land under reference according to its market value as on 01.01.2014 in compliance to the direction of the Hon'ble Supreme Court arbitration proceeding was taken up by the appointed sole arbitrator Sri Santosh Kr. Roy, Retired District Judge who passed an award of Rs.10,53,38,000/- only with further interest at the rate of 6% per annum from the date of award to the date of payment. During pendency of the arbitration proceeding one Sunil Anchaliya preferred M.A no. 1429/2024 claiming himself to be a co-owner in the acquired land and sought for apportionment of compensation before the Hon'ble Supreme Court in Civil Appeal no. 2672/2024.

The original respondent also preferred M.A Diary no. 29029/2024 praying for a direction for payment of compensation as per order dt. 19.02.2024 passed by the Hon'ble Supreme Court in C.A no. 2672/2024. Hon'ble Apex Court disposed of both the applications under order dt. 30.08.2024 wherein Hon'ble Supreme Court has been pleased to observed that "We find no ground to either modify or further clarify the order dated 19.02.2024 except that the State Government is directed to deposit the amount of compensation which is awarded by the learned Arbitrator with the Reference Court within four weeks of passing the award..... If the applicant-Sunil Anchalia has any grievance, he may seek appropriate relief before the Reference

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Court. In case the Reference Court is satisfied that his claim is not maintainable, the compensation amount so awarded by the Arbitrator shall be released forthwith to the respondents, in accordance with law. In case the parties raise any other trivial issue, the Reference Court will resolve the same in accordance with law.”

Against the arbitral award dt. 31.08.2024 the State of West Bengal preferred instant Miscellaneous Arbitration Case no. 97/2024 under Section 34 of the Arbitration and Consideration Act, 1996. During instant proceeding the original respondent has preferred instant application seeking direction upon the State Government for payment of 50% of the entire land compensation award of Rs.10,53,38,000/- which comes to Rs.5,56,69,000/- unconditionally in their favour at their entitlement as per order dated 19.02.2024 passed in C.A no. 2672/2024. The land compensation award of Rs.10,53,38,000/- has been deposited on 21.06.2025 by the State Government with this reference Court under direction of Hon’ble Apex Court.

Ld. Senior Advocate for the original respondent (herein petitioner) has submitted that there is no stay order under provision of Section 36(2) of the Arbitration and Reconciliation Act against the arbitral award dt. 31.08.2024 till date and hence, this arbitral award is operative. He further submits that due to non payment of any compensation towards the land which is illegally retained by the State, Hon’ble Supreme Court in order dt. 19.02.2024 by a consent order has been pleased to direct unconditional 50% payment of the land compensation award to the present petitioner and on strength of this order the right of petitioner to receive 50% of the land compensation award unconditionally has become final and indefeasible which cannot be denied or objected. His further submission is that the petitioner have been deprived for land compensation amount to be paid to them and they have fought legal battle for more than two decades. He further adds that “he has approached Hon’ble High Court for expeditious disposal of his instant petition seeking withdrawal of the award

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amount deposited by the award debtor / State of West Bengal in C.O no. 279/2026 which is disposed of by Hon'ble High Court by passing order dt. 02.02.2026 wherein Hon'ble High Court has directed this Court (Reference Court) to dispose of the petition for withdrawal of money preferred on 21.06.2025 within two months from the date of passing order. Ld. Senior Advocate furnishes the copy of order dt. 02.02.2026 passed by Hon'ble High Court in CO no. 279/2026.

Ld. Senior Advocate appearing for the State of West Bengal (Petitioner in Misc. Arbitration Case no. 27/24) has submitted that Hon'ble Supreme Court in order dt. 30.08.2024 passed in M.A no. 1429/2024 and M.A Diary no. 29029/2024, in C.S no. 2672/2024 arising out of SLP (C) no. 2698/2024 has been pleased to direct the State Government to deposit the amount of compensation award under arbitral proceeding with the reference Court within four weeks of passing the award (para 6) and has further been pleased to direct in para 7 "if the applicant (Sunil Anchaliya) has any grievance, he may seek appropriate relief before the Reference Court. In case the Reference Court is satisfied that his claim is not maintainable the compensation amount so awarded by the Arbitrator shall be released forthwith to the respondent in accordance with law. In case the parties raised any other relevant issue the reference Court will resolve the same in accordance with law."

According to Ld. Senior Advocate for the State Hon'ble Supreme Court has directed it (the State) to deposit the award amount and there is no direction to make payment of the deposited award amount unconditionally even not 50% to the present petitioner i.e. Narendra Anchaliya and others. In this order Hon'ble Supreme Court has given liberty to the applicant Sunil Anchaliya to seek priority relief before this Court and if this Court is satisfied that claim of Sunil Anchaliya is not maintainable then only the compensation amount awarded by the arbitrator shall be released forthwith to the respondent (i.e. present petitioners namely Narendra Anchaliya and others), in accordance with law. He strenuously argued that the order dt. 02.02.2026

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passed by Hon'ble High Court in C.O no. 279/2026 is not final as some parties has preferred special leave petition bearing SLP Diary no. 20465/2026 before Hon'ble Supreme Court.

I have very carefully gone through the instant petition dt. 21.06.2025 and also respectfully perused order dt. 19.02.2024 passed in SLP (C) no. 2698/2024, order dt. 30.08.2024 passed in M.A no. 1429/2024 with M.A Diary no. (S) 29029/2024 and also order dt. 02.02.2026 passed in C.O no. 279/2026.

On careful perusal of the instant M.A proceeding, I find that Sunil Anchaliya, Dimple Bardia, Chandrakala Anchaliya have preferred their claim for addition as necessary party by their application dt. 10.01.2025 under Order 1 Rule 10(2) of CPC. Their claim in instant proceeding is yet to be determined. In strict compliance to the solemn order dt. 30.08.2024 passed by Hon'ble Supreme Court this Court has to entertain this claim of Sunil Anchaliya, Dimple Bardia, Chandrakala Anchaliya at first instance and if it is not found maintainable then only the compensation amount which is deposited with this Court shall be released forthwith to the present petitioners i.e. Narendra Anchaliya and others (original respondent). In my considered view, instant petition for release of 50% of the compensation awarded amount to the tune of Rs.5,56,69,000/- is pre-mature in stage and hence, it is not found entertainable at this stage.

Hence, it is,

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that instant petition dt. 21.06.2025 is not entertained being pre-mature and hence, merits rejection at this stage on contest but without any cost.

Fix **06.06.2026** for hearing of the petition dt. 10.01.2025.

Dictated & corrected by me.

District Judge, Birbhum.

District Judge, Birbhum.
(JO Code-WB00149)