

26.11.2025  
Ct. No.2  
Sl. No.8  
S.A.

**High Court at Calcutta  
In the Circuit Bench at Jalpaiguri**

**WPA 1249 of 2023**

**In**

**CAN 4 of 2025**

**CAN 5 of 2025**

**Jagadish Prasad Agarwal & Ors.**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Amales Roy

Mr. Nigam Mittal

...for the petitioners

Mr. Momenur Rahman

...for the State

Mr. Bijay Bikram Das

...for Siliguri Municipal Corporation

Ms. Supriya Singh

...for respondent nos.6, 7 & 24

**In Re: CAN 4 of 2025 and CAN 5 of 2025**

The report filed by the Special Officer  
reads inter alia:

*“The concerned officers of Asian Highways, then brought a machine called as “Total Stations” to measure the said strip of land aerially. The concerned officers of Asian Highways by such aerial measurement, confirmed that the said strip of land belongs to the National Highways Authorities, but the concern revenue inspector did not measure and demarcate the said acquired portion of land i.e. 1 acre physically on the basis of R.S. and L.R. survey map.*

*Thereafter we entered inside the compound of Siliguri Regulated Market Committee. We went to spot within the boundary wall of Siliguri Regulated Market Committee, which is just adjacent to the aforesaid strip of land. We found that water tank, shops and stalls are constructed on the said plot of land.*

*The concern revenue inspectors expressed that it was not possible to measure and demarcate 2.78 acre of land and 0.73 acre land physically or aerially by the Total Station machine because of huge constructions thereon.*

*We then visited the rear portion of the plots of land inside the compound of Siliguri Regulated Market Committee. The concern revenue officers again expressed their inability to measure the acquired and non acquired portion of RS plot no.460 by T.S. machine in view of non visibility of the last point of the boundary wall.*

*On a scrutiny of the map supplied by the official of Siliguri Regulated Market Committee together with survey map brought by the concern Revenue Inspectors, the concern Revenue Inspectors in presence of Special Land Acquisition officer confirmed that Siliguri Regulated Market Committee is in possession of 3.33 acre of land i.e. 2.78 acres and plus 0.55 acres of land.*

*Factually no measurement and demarcation of the acquired portion of the land was made i.e. 1 acre, and 2.78 acres in RS plot no.460 and 0.73 acres in RS plot no.460, which has not been acquired, could be done physically in compliance with the order dated 05.01.2024 read with order dated 09.09.2025 passed by Hon'ble Court in W.P.A. 1249 of 2023."*

It is rather unfortunate that, despite successive orders passed by this Court, the demarcation of the relevant plot of land has not been completed. Having regard to the fact that a project of national importance, namely the development of a 4/6-lane stretch of NH-10, remains stalled due to the pendency of the status quo order dated July 12, 2023, in this writ

petition, this Court deems it necessary to take further steps to resolve the matter.

It appears that the land acquired for the National Highway and the Siliguri Regulatory Market Committee lies on the eastern side of the plot in question. As a logical consequence, the remaining portion of the land, measuring approximately 0.78 acre, should remain with the petitioner.

On behalf of the National Highway Authority, it is submitted that one acre of land, which were acquired for them, had been identified long ago in the year 1969, and possession of the same was duly handed over to them.

It is further submitted that, using digital GPS technology, the land currently in the possession of the Siliguri Regulatory Market Committee, as well as the land acquired for the National Highway, can now be accurately identified and measured.

The parties present before this Court have agreed to undertake a fresh measurement and demarcation of the relevant plot of land.

In view of the above, the following directions are passed:

The National Highway Authority shall appoint a surveyor experienced in taking

measurements using digital GPS technology for the purpose of survey and demarcation of the land.

The Special Land Acquisition Officer, Darjeeling, shall also depute a competent survey official on the date of the survey.

The petitioner, as well as the Secretary of the Siliguri Regulatory Market Committee, shall remain present at the time of the measurement and demarcation work.

The measurement and demarcation of the land, in accordance with this order, shall be carried out within ten days from the date of this order.

It is clarified that the status quo order dated July 12, 2023, pertains only to the land measuring 0.73 acre belonging to the petitioner and does not relate to the land acquired for the National Highway.

A further report shall be filed by the Special Officer on the next date of hearing. The Project Director of Asian Highway-02, Project Implementation Unit-II, the applicant shall pay the petitioner an additional amount of Rs. 25,000/-, and the cost of the measurement and demarcation work shall also be borne by the said authority.

The Officer-in-Charge of Pradhannagar Police Station shall provide necessary assistance to the persons engaged for the survey. The parties shall have liberty to break open the padlock of any building within the Siliguri Regulatory Market Committee premises, if necessary, to carry out the work.

List this matter after three weeks before the next available Circuit Bench.

**(Kausik Chanda, J.)**