



WPO/624/2008
IA No.GA/2/2008 (Old No.GA/2195/2008)
GA/8/2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUPRIYA DUTTA
-Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE
The Hon'ble Justice BIBEK CHAUDHURI
Date: 17th November, 2023

APPEARANCE:

Mr.Kushal Chatterjee, Adv.
Mr. Biswajyoti Mitra, Adv.
Mr. Debrup choudhury, Adv.
...for the petitioner.

Mr. Lalit Mohan Mahata, Adv.
Mr. Ziaul Haque, Adv.
...for the respondent.

Mr. Kishore Dutta, Sr. Adv.
Mr. Satyajit Talukdar, Adv.
Avishek Guha, Adv.
Ms. Akansha Chopra, Adv.
... for KMDA

Mr. soumen Chatterjee, Adv.
Mr. Habibur Rahaman, Adv.
Mr. Archisman Singh, Adv.
... for the added party

1. GA 8 of 2023 is an application filed by Amlan Das another sons of Ajoy Nath Das and Shyamali Das of 119, Rash Behari Avenue, Kol-700029.
2. The applicants have filed the instant application praying for adding them as party respondents in the writ petition on the following grounds:-



3. It is the case of the applicants that they are the legal heirs of Lokamata Rani Rash Mani who was the original owner of the subject land. Lokamata Rani Rash Mani had four daughters namely, Paddamani Das, Gugalesri, Karuna and Annapurna. The applicants inherited the properties of Paddamani Das eldest daughter of Lokamata Rani Rash Mani. During the passage of time the property is recorded in the name of Amritnath Das. Thereafter Amritnath Das inherited the property. The applicants are grand-sons of aforesaid Atindra Nath Das. During the life time of Atindra Nath Das he instituted a suit for partition before the High Court of Judicature at Fort William in Bengal in Original Civil Jurisdiction which was registered as Suit NO.841 of 1937. The said suit was disposed of on 23rd August, 1944 and the property was amicably partitioned amongst the family members and thus the applicants inherited the said property from their grand-father. Subsequently, the mother of the applicants, namely Shyamali Das came to know regarding the acquisition of land pertaining to Lokamata Rani Rash Mani by the Government of West Bengal and after acquisition, the Government has been taking steps to pay compensation to some third party on the basis of some false documents. The mother of the applicants approached this Court by filing a writ petition number WPO 19298(W) of 2000. The said writ petition was disposed of by an order dated 22nd September, 2000 by the Hon'ble D.K Seth, J. as his Lordship was then granting the liberty to the petitioner to apply before the Collector for reference under Section 30 read with Section 31 of the Act 1 of 1894. Subsequently, a proceeding under section



44(2a) of the West Bengal Estate Acquisition Act, 1953 was initiated by the Revenue Officer for correction/preparation of Record of Rights. The Revenue Officer passed an order dated 7th June, 2005 declaring the share of the petitioners. However, Record of Rights were not corrected on the basis of the order passed by the Revenue Officer. It is contended by the applicants as their predecessor-in-interest are the owners of the subject land and on acquisition of the subject land they are entitled to compensation, they may be added as party respondents in the instant writ petition.

4. I have heard the learned Advocate for the petitioner.

5. WP No.624 of 2008 has been filed by one Supriya Dutta alleging, inter alia, that one Prafulla Kumari Dutta was recorded as “raith sthiban” in respect of the subject land. The successor-in-interest of the said Prafulla Kumari Dutta namely, Santanu Dutta received a notice on 11th September, 1996 wherefrom he came to know that an award in respect of the subject land was published in favour of him jointly with others and the said award money was remitted to the learned Special L.A Judge, Alipore on 23rd August, 1996 for adjudication. Subsequently, on 6th March, 1999, Prafulla Kumari Dutta received a letter from the Special Secretary-II, CMDA that the subject land has been decided to be brought under preliminary notification under Section 4 of the Land Acquisition Act, 1894. The land was acquired for the construction of Rash Behari connector. The petitioner being one of the heirs of Prafulla Kumari Dutta has filed the instant writ petition commanding the respondents, especially



KMDA to withdraw/rescind and/or set aside the licence deed made between the KMDA and Haldiram Limited. The petitioner has also prayed for a declaration that the subject land was never acquired by the respondents in accordance with law and therefore, the respondents cannot claim possession over the subject land.

6. By filing the application under consideration the applicants have also claimed title over the subject land. Therefore, the dispute relating to title between the writ petition and the applicants cannot be decided in a writ petition. Efficacious relief of the applicants lies in filing a suit for declaration of title against the petitioner and others.

7. Therefore, I do not find any reason to add the applicants as party respondents in the instant writ petition.

8. The application is, thus, rejected.

9. List the matter on 15th December, 2023 for hearing of the writ petition.

(Bibek Chaudhuri, J.)