

ITEM NO.6  
(Part-Heard)

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 7087/2015

STATE OF WEST BENGAL AND ORS.

Appellant(s)

VERSUS

LAKSHMI RANI PAN

Respondent(s)

WITH C.A. No. 7091/2015 (XVI)

C.A. No. 7088/2015 (XVI)

C.A. No. 7095/2015 (XVI)

(FOR PERMISSION TO FILE APPLICATION FOR DIRECTION - IA 41822/2017  
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS -IA 41824/2017)

C.A. No. 7096/2015 (XVI)

SLP(C) No. 4236/2017 (XVI)

Date : 16-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)

Ms. Nandini Sen,Adv.  
Mr. Chanchal Kumar Ganguli, AOR

Mr. Parijat Sinha, AOR  
Mr. Anip Sachthey, AOR

For Respondent(s)

Mr. Arun Mohan,Sr.Adv.  
Mr. Amit Kumar Pan,Adv.  
Mr. Shailesh Madiyal, AOR  
Mr. Sudhanshu Prakash,Adv.

Mr. Partha Sil, AOR

Mr. Debayan Bera,Adv.  
Ms. Soumya Dutta, AOR  
Mr. Shubhayu Roy,Adv.  
Mr. Shibashish Misra, AOR

Mr. Pijush K. Roy,Adv.  
Ms. Kakali Roy,Adv.  
Mr. Rajan K. Chourasia, AOR

Mr. Mithilesh Kumar Singh, AOR

UPON hearing the counsel the Court made the following  
O R D E R

(1) In this group of appeals, filed by the State of West Bengal, the land of the respondents was requisitioned under the provisions of West Bengal Land (Requisition and Acquisition) Act, 1948 for construction of a public road in District South 24 Parganas, State of West Bengal.

(2) Possession of the land was taken and the same stands utilised for said the public purpose. Thereafter, proceedings for acquisition were initiated.

(3) Notice under Section 4(1a) of the 1948 Act was issued and proceedings were initiated for making of the award by issuing notice under Section 9(3A) as applicable in the State of West Bengal at the relevant point of time. However, the Award was not made within the stipulated time and finally the Award was made on 8<sup>th</sup> May, 2002 in some of the cases. It has been stated by learned counsel for the parties that in some of the cases no award has been made till date.

(4) The respondents approached the High Court by way of several writ petitions with a prayer for return of the land after declaring that the acquisition proceedings had lapsed.

(5) In Civil Appeal NO.7087 of 2015, learned Single Judge of the High Court, vide Judgment dated 24<sup>th</sup> December, 2001 in W.P.NO.17107(W) of 2000, held that as a result of lapsing of the proceedings, compensation be calculated by taking 18<sup>th</sup> March, 1999 as the date for determining market value for

compensation. The said date was the date of notice under Section 9(3A) of the local amendment as applicable to the State of West Bengal. This view has been affirmed by the Division Bench of the High Court.

(6) In the course of hearing of this group of appeals, it could not be shown that the finding that the land acquisition proceedings had lapsed is in any manner erroneous. It also could not be questioned that it is not viable to restore the land back to the respondents. The order of learned Single Judge referred to above has not been questioned by the respondents. Only the State has questioned the same.

(7) In these circumstances, the question is whether any interference is called for with the direction that the respondents be given compensation at the market value as on 18<sup>th</sup> March, 1999, deeming the proceedings of acquisition to have been validly completed.

(8) Our attention has been drawn to a judgment of this Court in K.B. Ramachandra Raje Urs (Dead) by Legal Representatives v. State of Karnataka & Others Etc. - (2016) 3 SCC 422, on behalf of the appellant to submit that even where the land acquisition proceedings are not valid but the land has been utilised, the Court may determine a date, with reference to which the market value is to be given, having regard to the interest of justice in the given fact situation.

(9) Learned counsel for the respondents have, on the other hand, relied upon certain decisions to the effect that market value could be determined with reference to provisions of the

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(10) Learned counsel for the parties seek time to make further submissions.

List the matter as part-heard on Wednesday, the 22<sup>nd</sup> November, 2017.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
COURT MASTER