In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Partha Sarathi Sen

WPA 24565 of 2026

Rupa Singha

VS.

The State of West Bengal & Ors.

For the Petitioner	:	Mr. Ayan Banerjee Ms. Debjani Sengupta Ms. Paulomi Ghosh
For the respondent/State	:	Ms. Surabhi Banerjee Ms. Avantika Chakraborty
Heard on and Judgment on	:	08.10.2026

Partha Sarathi Sen, J.:-

1. The subject matter of the instant writ petition is the order dated 25.06.2026 as passed by the respondent No. 5/authority pursuant to the order dated 10.11.2025, as passed by a co-ordinate bench of this Court in ***WPA 24783 of 2025 (Rupa Singha vs. The State of West Bengal & Ors.).*** By the impugned order, the said respondent No. 5/authority came to a finding that the writ petitioner's application

under Section 28A of the Land Acquisition Act, 1894 (Act I of 1894) is premature and thus, the same stood rejected.

2. The writ petitioner felt aggrieved and thus preferred the instant writ petition.

3. At the time of hearing, Mr. Banerjee, learned advocate appearing on behalf of the writ petitioner at the very outset took me to Section 28A of the Act I of 1894 which deals with the redetermination of the amount of compensation on the basis of the award of the Court. It is argued by Mr. Banerjee that admittedly an award was passed in favour of the writ petitioner on account of a land acquisition case and the present writ petitioner at that material point of time made no application under Section 18 of the Act I of the 1894 before the Collector for reference to Court. It is submitted by Mr. Banerjee that in FAT No. 516 of 2019 **(The State of West Bengal vs. Sraddhananda Basu)** as disposed of by an Hon'ble Division Bench of this Court, the subject matter of the said appeal is a land which has been acquired under Act I of 1894, by virtue of a notification under Section 4 and 6 of the Act I of 1894. It is further argued by Mr. Banerjee that the land in question as involved in the instant writ petition is situated in the same vicinity and in the same mouza and both the lands that is the land as involved in the FAT 516 of 2019 and the land as involved in the instant writ petition were acquired under the self-same notification.

4. Drawing attention to page Nos. 69 to 89 of the instant writ petition, being a copy of the judgment dated 08.5.2025 as passed by a Division Bench of this Court in FAT No. 516 of 2019, it is submitted that the said Division Bench while allowing the said appeal returned a finding that the appellant of the said appeal is entitled to interest under Section 80 of the Act XXX of 2013 and further returned a finding regarding the compensation payable by the respondent/State to the said appellant to the tune of Rs. 5,52,544/- per cottah, the amount of solatium of one hundred percent of the compensation as well as the interest @ 12% per annum on the market value as assessed by the said Division Bench under Section XXX(3) of the Act of 2013. It is further submitted by Mr. Banerjee that while passing the said judgment dated 08.05.2025, the said Division Bench made a limited remand to the Trial Court to decide the question of the date of possession as well as with regard to the parameters of Section 72 and 80 of Act XXX of 2013 are satisfied or not and in the event it is found that the appellant is otherwise entitled to interest as contemplated in Section 72/Section 80 of Act XXX of 2013, the Trial Judge was directed to award such interest.

5. Drawing attention to page 91(A) of the instant writ petition it is further argued by Mr. Banerjee that challenging the said judgment dated 08.05.2025 as passed in the case of **Sraddhananda Basu (supra),** a

SLP was preferred by the respondent/State before the Hon'ble Supreme Court, which is however dismissed.

6. At this juncture, Mr. Banerjee took me to the impugned order dated 25.05.2026 as passed by the respondent No. 5/authority. It is argued by Mr. Banerjee that the finding returned by the respondent No. 5/authority while disposing the representation of the writ petitioner for redetermination of the amount of compensation in respect of his acquired land is not correct since, the respondent No. 5/authority has miserably failed to visualise the true purport of the judgment dated 08.05.2025 as passed by Hon'ble Division Bench of this Court in the case of **Sraddhananda Basu (supra).** It is argued by Mr. Banerjee that the compensation of the acquired land, the solatium payable to the appellant and the award of interest @ 12% per annum on the market value have already been determined by the said appellate court and thus the said finding of the Hon'ble Division Bench which has already attained finality will apply *mutatis mutandis* in case of the present writ petitioner.

7. It is further submitted by Mr. Banerjee that when the Hon'ble Division Bench in the case of **Sraddhananda Basu(supra)** came to its positive finding that the appellant is entitled to interest under Section 80 of Act XXX of 2013 the respondent No. 5/authority ought to have granted interest under Section 80 of the Act XXX of 2013 in favour of the writ petitioner. It is thus submitted by Mr. Banerjee that the impugned

order is perverse since the respondent No. 5/authority while passing the impugned order has failed to consider the materials as available on record and therefore, the impugned order may be set aside in this judicial review by granting appropriate relief/reliefs as prayed for by the writ petitioner.

8. Ms. Banerjee, learned advocate appearing on behalf of the respondent/State however supports the impugned order. It is submitted on behalf of the respondent/State that no case has been made out by the writ petitioner for granting the relief as prayed for. It is further argued that since in the case of **Sraddhananda Basu (supra)** a Division Bench of this High Court has passed a judgment on remand, by no stretch of imagination it can be said that the said Court allows the appellant to get any excess amount than the award as granted by the Collector.

9. This Court has meticulously gone through the entire materials as placed before this Court. This Court has given its due consideration over the submissions of learned advocates for the contending parties.

10. For effective adjudication of the instant writ petition this Court at the very out set proposes to look to Section 28A of Act I of 1894, which is reproduced hereunder.

> ***"28A. Re-determination of the amount of compensation on the basis of the award of the Court.-(1) Where in an award under this Part, the Court allows to the applicant any amount of***

compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of

sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under Section 18."

11. On careful perusal of the aforementioned legislative provision it appears to this Court that it is the legislative mandate that in the event the Court allows to the applicant any amount of compensation in excess of the amount of the award as passed by the Collector, the persons interested in all other land covered by the same notification under Section 4(1) of Act I of 1894 and who are aggrieved by the award of Collector and who have not made any application under Section 18 under Act I of 1894 may by written application to the Collector within three months from the date of award of the Court required that the amount of compensation payable to them may be re determined on the basis of the award passed by the Court.

12. Keeping in mind the aforementioned legislative provision, if I look to the factual aspects of this case, it appears to this Court that it is undisputed that the land as involved in the instant writ petition and the land as involved in the case of **Sraddhananda Basu(supra)** were acquired under the same notification and both the lands are in same vicinity. It is equally undisputed that the present writ petitioner though accepted the award as passed by the Collector, but the present writ petitioner made no approach under Section 18 of the Act I of 1894. Materials have been placed before this Court that an aggrieved

person, who is the respondent before the Hon'ble Division Bench in the case of **Sraddhananda Basu (supra)** obtained a favourable order from the LA Judge who on adjudication of the reference increased the quantum of the award as payable to him. In the said land acquisition appeal, the Hon'ble Division Bench while deciding the said appeal in the case of **Sraddhananda Basu** express the following view:

> ***"59. Thus, this issue is decided in principle in the positive, in favour of the claimant,***
> ***62. Accordingly, F.A.T. No.516 of 2019 and F.A.T. No.3 of 2019 are allowed in part, thereby setting aside the judgment and impugned decree dated September 20, 2018 passed by the learned Additional District Judge, First Court at Hooghly Sadar, District Hooghly in Land Acquisition Miscellaneous Case No.7 of 2016 and remanding the matter to the Referral Court for adjudication on the points given hereinbelow:***
> ***(i) The compensation of the acquired land of the claimant is fixed D at Rs.5,52,544/- per cottah;***
> ***(ii) The solatium of one hundred per cent of the compensation amount, as stipulated in Section 30 of the 2013 Act, shall be calculated by the Referral Court on the basis of the above compensation and awarded to the claimant;***
> ***(iii) The Referral Court shall also award interest at the rate of 12% per annum on the market***

value as mentioned above in terms of sub-section (3) of Section 30 of the 2013 Act.

(iv) The Referral Court shall grant an opportunity to both sides to adduce evidence, if they so choose, on the limited question of the date of possession and as to whether the parameters of Section 72 and Section 80 of the 2013 are satisfied in the present case. In the event the parties or either of them choose not to adduce evidence or the evidence is not satisfactory, it will be open to the Referral Court to look into the relevant materials and/or call for the necessary records from the appropriate authorities for ascertaining the relevant factual parameters and, upon such exercise, if it is found that the claimant is otherwise entitled to the interest contemplated in Section 72 and/or Section 80 of the 2013 Act, the referral court shall award such interest(s) to the claimant in terms of the said Sections."

13. On careful perusal of the judgment as passed by an Hon'ble Division Bench of this Court in the case of **Sraddhananda Basu,** it thus appears to this Court that while disposing the said appeal, the Hon'ble Division Bench returned the finding that the claimant **Sraddhananda Basu** is entitled to interest under Section 80 of Act of 2013. It further appears to this Court that the Hon'ble Division Bench also came to a logical conclusion that the compensation of the acquired land of the

claimant (**Sraddhananda Basu)** would be Rs.5,52,544/- per cottah. It further appears that the Hon'ble Division Bench also calculated the solatium of 100% of compensation amount. It further appears that the Hon'ble Division Bench directed the referral Court to pass an award of interest @12% per annum on the market value that is on Rs.5,52,544/- per cottah. It further appears to this Court that the Hon'ble Division Bench while disposing the said appeal in the case of **Sraddhananda Basu** made a limited remand for the purpose of calculation of interest under Section 72/ Section 80 of Act of 2013 to ascertain the date of possession.

14. It is pertinent to mention herein that the judgment dated 08.05.2025 as passed by the Hon'ble Division Bench has reached its finality in view of the dismissal of the SLP as preferred by the respondent/State.

15. Coming to the factual aspects as involved in the instant writ petition it appears to this Court that when there is no dispute in the mind of the respondent No. 5/authority that the land of the present writ petitioner and the land as involved in the case of **Sraddhananda Basu** were acquired under the same notification, there cannot be any difficulty on the part of the respondent No. 5/authority to re-determine the amount of compensation as payable to the writ petitioner in respect of the acquired land of the writ petitioner especially when the Hon'ble Division Bench in the case of **Sraddhananda Basu** assessed the compensation of the acquired land @ Rs.5,52,544/- per cottah. It

further appears to this Court that sufficient materials were provided to the respondent No.5/authority to come to a logical finding with regard to the quantum of solatium as payable to the present writ petitioner since the Hon'ble Division Bench has also quantified the amount of solatium in respect of the land as involved in the case of **Sraddhananda Basu (supra)** to the extent of one hundred percent of the compensation amount. The Hon'ble Division Bench also quantified the rate of interest as payable by the respondent/State that is @12% per annum on the market value that is Rs.5,52,544/- per cottah. It appears to this Court that sufficient materials have been placed before the respondent No. 5/authority that the Hon'ble Division Bench has also come to a finding that the claimant is entitled to interest under Section 80 of the Act XXX of 2013 especially when the said order of the Hon'ble Division Bench has already reached its finality.

16. As rightly pointed out by Mr. Banerjee that since the present writ petitioner has not raised any dispute with regard to the date of acquisition and/or possession of the land as involved in the instant writ petition, the limited remand as made by the Hon'ble Division Bench in the case of **Sraddhananda Basu** has got no manner of application in the case of the writ petitioner while re determination of the compensation by the respondent No. 5/authority.

17. In considered view of this Court, the respondent No. 5/authority has miserably failed to visualise the true purport of the judgment as

passed by the Hon'ble Division Bench on 08.05.2025 in FAT No. 516 of 2019.

18. Consequently, the instant writ petition succeeds.

19. Consequently, the impugned order dated 25.06.2026 as passed by the respondent No. 5 is hereby set aside.

20. Consequently, the respondent No. 5 authority is hereby directed to re determine the compensation payable to the writ petitioner under Section 28A of Act I of 1894 by awarding compensation of the acquired land to the present writ petitioner @ Rs.5,52,544/- per cottah, the solatium of 100% of the compensation amount as stipulated in Section 30 of Act XXX of the 2013 Act. It shall also calculate the award interest @ 12% per annum on the aforementioned market value in terms of Section 30(3) of the of ACT XXX of 2013. The respondent No. 5 is further directed to calculate the interest in terms of the provision of Section 80 of Act XXX of 2013 to the writ petitioner. It is further directed that after re determination of the said compensation on the basis of the aforementioned parameters, the respondent Nos. 3 and 5/authorities are directed to take appropriate steps for payment of the re-determined compensation after deducting the amount already paid.

21. The entire exercise as indicated in the foregoing paragraph that is the re-determination of compensation and payment of balance amount of compensation along with all other components as referred hereinabove

shall have to be disbursed to the writ petitioner positively by the last day of December 2026.

22. The time limit as fixed by this Court is peremptory and mandatory.

23. With the above observation, **WPA 24565 of 2026** is **allowed and disposed of.**

24. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)

[Sws.M[AR(C]