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**(2016) 03 CAL CK 0160**  
**In the Calcutta High Court**  
**Case No : Writ Petition No. 28163 (W) of 2015**

Md. Manzoor Ansari

APPELLANT

Vs

State of West Bengal

RESPONDENT

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**Date of Decision : 03-03-2016**

**Acts Referred:**

Land Acquisition Act, 1894 — Section 16  
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 — Section 24(2)

**Citation : (2016) 5 WBLR 263**

**Hon'ble Judges : Biswanath Somadder, J.**

**Bench : Single Bench**

**Advocate : Mr. Uttiya Ray and Ms. Anima Maiti, Advocates, for the Petitioner; Mr. Suprabhat Bhattacharya, Advocate, for the State**

**Final Decision : Disposed Off**

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## Judgement

Biswanath Somadder, J.—Let the report in the form of an affidavit filed in Court today on behalf of the Additional District Magistrate (LA), Burdwan, be taken on record.

2. Perusing the same it appears that the concerned authority has stated in the second last paragraph of its report disclosing its specific stand in relation to the instant matter that the petitioner has no legal right to claim the plot-in-question as his land where a Collector has made an award by referring to section 16 of the Act of 1894, which provides that when the Collector has made an award under section 11, he may take possession of the land which shall thereupon vest absolutely free from all encumbrances. However, it appears that the Additional District Magistrate (LA), Burdwan, has not taken into consideration, the latter statute, namely, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which seeks to repeal the Act of 1894, by virtue of section 114.

3. Sub-section (2) of section 24 of the Act of 2013, which may be relevant in the

facts of the instant case provides, inter alia, that in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under section 11 has been made five years or more prior to commencement of the Act of 2013, but the physical possession of the land has not been taken or compensation has not been paid, the said proceedings shall be deemed to have lapsed and the appropriate government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of the Act of 2013.

4. Considering the provision of law, as stated above, this Court directs the Additional District Magistrate (LA), Burdwan, to file a fresh report in the form of an affidavit on or before the next date stating therein specifically as to whether physical possession of the land remains with the writ petitioner or not.

5. Let this matter appear for further consideration under the same heading two weeks hence.