

(1987) 04 SC CK 0074

In the Supreme Court Of India

Case No : Civil Appeal No's. 1549-50 of 1973 with 149-50 of 1974 and 1203 of 1979

Sri Sri Devi Mata and Others

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 13-04-1987

Acts Referred:

West Bengal Estates Acquisition Act, 1953 — Section 6(1)

Citation : AIR 1987 SC 1336 : (1987) 2 JT 134 : (1987) 1 SCALE 770 : (1987) 3 SCC 220 : (1987) 1 UJ 608

Hon'ble Judges : V. Khalid, J;G. L. Oza, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

V. Khalid, J.—The only question now pressed into service before us, in these appeals, is the right of the appellants u/s 6 (1)(i) of the West Bengal Estates Acquisition Act, 1953. These appeals are by certificate from the Judgment of the Calcutta High Court. The : challenge originally was against the extension of the West Bengal Estates Acquisition Act, 1933, to the transferred territories and also for a declaration that the transferred territories continued to be governed by the Bihar Land Reforms Act, 1950 and also for an order to declare notifications issued under Bihar and Bengal Acts, without jurisdiction. The challenge is not available to the appellants now and is not pressed.

2. The appellants' case is that they are entitled to annuity, being religious institutions. They were getting such annuity when the properties were situated in the State of Bihar. They seek declaration that they should continue to get it even after the area in which the properties are situated has been ceded to West Bengal.

3. This contention was not raised at any time before. Even in the application for Certificate this contention was not raised. We do not think we will be justified at this distance of time in entertaining this plea and adjudicating upon it when we

are dealing with acquisition of properties started more than two decades ago, pursuant to which all proceedings must have been finalised long ago.

4. These appeals have therefore to fail and are dismissed without any order as to costs.