

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**PRESENT:
THE HON'BLE JUSTICE BIVAS PATTANAYAK**

**W.P.A. 21492 of 2019
CAN 1 of 2023
Nitai Chandra Mandal & Ors.
versus
The State of West Bengal & Ors.**

For the Petitioners : Mr. Debjyoti Basu, Advocate
Mr. Anuran Samanta, Advocate

For the State : Mr. Susovan Sengupta, Advocate
Mr. Subir Pal, Advocate

Heard on : 21.11.2024, 05.12.2024

Judgment on : 11.07.2025

Bivas Pattanayak, J. :-

1. This writ petition is filed by the petitioners seeking direction upon the respondent authorities to immediately disburse the statutory compensation for acquisition of land in question in favour of the petitioners on *pro-rata* basis in terms of the provisions of Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (*hereinafter referred to as the Act of 2013*) with immediate effect.

2. The petitioners contend as follows:

(i) The petitioners are the owners of the respective plots by way of purchase from the erstwhile owners, which is morefully described in tabular statement contained in paragraph no.3 of the writ petition.

(ii) The plots of land mentioned in paragraph no.3 of the writ petition measuring more or less 4.5 acres were initially acquired for the purpose of construction of project work SPUR 4 at Khiderpur (14 to 15 Kilometres) in district of Malda, by the State Government and a net compensation of Rs.27,32,180/- has been awarded under the old Land Acquisition Act, 1894.

(iii) While the aforesaid compensation was pending disposal and the amount not being credited to the bank accounts of the respective land owners and the compensation amount was withheld despite passing of the award, during the interregnum period the erstwhile land owners as vendors transferred their plots to the vendees namely the petitioners herein comprising 5.03 acres by way of deeds of conveyance.

(iv) From the aforesaid deeds of conveyance executed by the erstwhile owners, it is evident that the petitioners herein were alive of the fact that the plots of land in question were acquired land in which compensation has already been awarded which have been clearly indicated in respective deeds of conveyance.

(v) The petitioners made several representations from time to time for release payment of the compensation amount on priority basis to the respective petitioners out of the aforesaid compensation amount. As the land has already been acquired and award passed and the land has vested with the State, hence the question of mutating the respective names in the record of rights cannot arise.

(vi) It has come to the knowledge of the petitioners that the Deputy Secretary to the Government of West Bengal, Department of Land and Land Reforms, Refugee, Relief and Rehabilitation, L.A Branch directed the Collector, Malda to look into the prayer for land acquisition compensation in respect of the acquired plots and take necessary action. However, even after coming into force of Act of 2013 on 1st January 2014, the State Government has failed and neglected to disburse the awarded amount to the petitioners despite repeated requests.

(vii) As per provisions of Section 24 of the Act of 2013 since the compensation amount has not been paid till date, the same has to be made in terms of Act of 2013 and not otherwise.

(viii) In light of the aforesaid, the petitioners prayed for disbursement of the statutory compensation for acquisition of land in question as per provisions of Act of 2013.

3. The writ petition has been keenly contested by the State respondents by filing affidavit-in-opposition contending, *inter alia*, as follows.

(i) As per records the land measuring 4.58 acres mentioned in paragraph no. 5(a) of the affidavit was requisitioned under the provisions of West Bengal (Requisition and Acquisition) Act, 1948 (*hereinafter referred to as the Act-II of 1948*) on 22nd April 1988 for the purpose of protection work to the left bank of river Fulhara and Excavation at pilot channel to induce cut-off at Debipur in LA Case no. 40/1987-88.

(ii) The possession was handed over to the Requiring Body i.e. Executive Engineer, Mahananda Embankment Division, Malda on 6th May, 1988.

(iii) An estimate amounting to Rs.65,952/-was prepared on 22nd June, 1988 and 80% advance payment as compensation was approved by the Collector, Malda on 28th March, 1989.

(iv) Notice under section 4(1A) of the Act-II of 1948 was not published as the said Act was repealed with effect from 31st March, 1997. The case was drawn up as a proceeding under Section 9(3A) of the West Bengal Land Acquisition (Amendment) Act, 1997 for finalisation.

(v) The payment of the case was kept pending for finalisation as Special Leave Petitions were pending before the Hon'ble Supreme Court.

(vi) A deemed lapse of land acquisition proceeding under Section 24(2) take place where due to inaction of the authorities for five years or more prior to commencement of the said Act, possession of the land has not been taken nor compensation has been paid. In the present case, the possession of the land has been taken and the compensation has been declared and approved by the Collector. Hence there cannot be deemed lapse of proceedings.

(vii) In the light of the above, the State-respondents sought for dismissal of the writ petition.

4. Mr. Debojyoti Basu, learned advocate appearing for the petitioners submitted that the land in question was acquired by the State Government

for the project of construction of embankment. The plots of land in question were acquired in respect of which compensation has already been awarded but no compensation paid/disbursed. The erstwhile vendors of the petitioners, who were the owners of the land in question, have not been paid any compensation amount. The petitioners are the subsequent purchasers of the land in question and hence are therefore entitled to compensation in terms of Section 24 of the Act of 2013. There is utter violation of the *Doctrine of Eminent Domain* at the instance of the State Government in not making payment of the compensation in respect of the acquired land. To buttress his contention, he relied on the decision of Hon'ble Supreme Court passed in ***U.P Jal Nigam, Lucknow Through its Chairman and Ors versus Kalra Properties (P) Ltd, Lucknow and Ors***¹.

5. On the contrary, Mr. Susovan Sengupta, learned advocate representing State-respondents at the outset submitted that in the present writ petition no challenge has been made to the acquisition proceedings. The acquired land has absolutely vested with the State. Once the land is vested unless expressly taken away, the vesting remains and such land cannot be conveyed or divested. The petitioners being subsequent purchasers are only entitled to compensation which their vendors are entitled to. To buttress his contention, he relied on the decision of Hon'ble Supreme Court passed in ***V. Chandrasekaran and Another versus Administrative Officer and Others***². There is inordinate unexplained

¹ (1996) 3 SCC 124

² (2012) 12 SCC 133

delay of 30 years in filing the writ petition pertaining to an estimate prepared and 80% advance payment approved in the year 1989. Moreover, section 24 of the Act of 2013 does not apply to the case of the petitioners since the acquisition proceedings has been initiated under Act-II of 1948. Referring to the decision of the Hon'ble Division Bench of this court passed in ***State of West Bengal & Ors versus Niladri Chatterjee & Ors***³ and ***State of West Bengal & Ors versus Sri Saktipada Saha Chowdhury & Ors***⁴ he submitted that section 24 of the Act of 2013 relates to proceedings initiated under the Land Acquisition Act, 1894 (*hereinafter referred to as Act of 1894*) and since in no stretch of imagination, the present proceedings can be said to have been initiated under the Act of 1894, therefore the aforesaid provisions cannot enure to the benefit of the petitioners. Relying on the decision of Hon'ble Supreme Court passed in ***Indore Development Authoirty versus Monoharlal & Ors***⁵ he submitted that a deemed lapse of land acquisition proceeding under Section 24(2) would take place where due to inaction of the authorities for five years or more prior to commencement of the said Act, neither possession of the land has been taken nor compensation has been paid. The words 'or' used in section 24(2) of Act of 2013 between possession and compensation should be read as 'and' which means both the aforesaid conditions are to be fulfilled for deemed lapse of land acquisition proceedings. In the present case, the possession of the land has been taken and the compensation has been declared and 80% of the advance payment of the compensation

³ ***MAT 86 of 2016***

⁴ ***MAT 1545 of 2018***

⁵ ***(2020) 8 SCC 129***

amount has been approved by the Collector. The amount of compensation is deposited in the office of the Collector. Therefore, none of the conditions enshrined in Section 24(2) of the Act of 2013 is satisfied in the facts of the case. Further, possession of land has been vested in State. Section 24 does not provide for divesting of land acquired and it applies to a pending proceedings on the date of enforcement of the Act of 2013 i.e. 1st January, 2014. The above provision does not revive time-barred claims or reopen concluded proceedings. Further law does not allow the landowners to question the legality of the proceedings. In light of his aforesaid submissions, he prayed that the petitioners being the subsequent purchasers are at best be entitled to compensation amount to which the erstwhile vendors are entitled to.

6. In reply to the aforesaid contentions advanced on behalf of the State- the respondents, Mr. Basu, learned advocate appearing for the petitioners submitted that the Act-II of 1948 is a temporary Act which was introduced for a definite purpose and upon fulfilment of purpose it has been repealed. The acquisition proceedings initiated under Act-II of 1948 thus merges with Land Acquisition Act, 1894 and therefore should be considered as a proceeding under Act of 1894. In support of his contention, he relied on the decision of the Hon'ble Division Bench of this court passed in *Niladri Chatterjee (supra)* (MAT 86 of 2016). Hence, provisions of Section 24 of Act of 2013, is very much applicable to the facts of the case. He seeks for appropriate orders for disbursement of compensation under Act of 2013.

7. Having heard the learned advocates for the respective parties falling issues have fallen for consideration.

- (i) Whether the land acquisition proceedings in the instant case is deemed to have been lapsed in terms of Section 24 of the Act of 2013?
- (ii) Whether the petitioners are entitled to compensation under the Act of 2013 or the compensation which their erstwhile vendors would be entitled to?

Issue No. 1. Whether the land acquisition proceedings in the instant case is deemed to have been lapsed in terms of Section 24 of the Act of 2013?

8. In order to examine the aforesaid issue, it would be profitable to reproduce the relevant provisions of Section 24 of the Act of 2013 as hereunder:

“ 24. Land acquisition process under Act No. 1 of 1894 shall be deemed to have lapsed in certain cases.—(1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894,— (a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or (b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), where an award under the said section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the 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 this Act: 21 Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.”

There cannot be any quarrel that the requisition for land acquisition in respect of the land in question measuring more or less 4.58 acres has been

initiated under the provisions of Act-II of 1948 and not under Act of 1894. Notice under Section 4(1A) of the Act-II of 1948 was not published as the said Act was repealed with effect from 31st March, 1997. The case was drawn up as a proceeding under Section 9(3A) of the West Bengal Land Acquisition (Amendment) Act, 1997 for finalisation. The language of Section 24(1) is *“Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894”*. Such provisions clearly manifest that land acquisition process shall be deemed to have lapsed in certain cases in respect of proceedings initiated under Act of 1894.

8.1. Now the question arises is whether in the instant case where the proceedings for land acquisition undisputedly have been initiated under the Act-II of 1948, Section 24 of Act of 2013 has got any manner of bearing. In order to find an answer to the aforesaid query it would be apposite to reproduce the observation of the Hon’ble Division Bench of this court in two appeals as hereunder.

In *Niladri Chatterjee (supra)* following observation was made:

“ If one looks carefully, one would notice that in the facts of the instant case, the land was requisitioned under LA Case No. 126R/1976-77 and was handed over to the Requiring Body on 29.04.1978 for construction of Ajoy Right Ex-Zamindari Embankment, Sagira to Kogram. Notification under section 4(1a) of the Act of 1948 was subsequently published in the Calcutta Gazette on 2nd July, 1993. Although an amount of Rs.20,76,183/- was sought for from the Requiring Body, i.e., Executive Engineer, Damodar Head Works Division, Durgapur-2, but the said authority simply failed to place the fund. Subsequently, after expiry of the Act of 1948, the Collector of Burdwan simply abdicated his statutory duty to issue notice under section 9(3B) of the Act of 1894. This could be either due to sheer callousness or negligence on the part of the Collector of Burdwan. Undoubtedly, it is only due

to the Collector's failure to issue notice under section 9(3B) of the Act of 1894, the land acquisition proceeding stood lapsed. However, whether ipso facto such a lapse translates into a claim for compensation under the provision of the Act of 2013 can be answered simply by visiting section 24 of the Act of 2013. It will be noticed from a plain reading of the said section that there is a phrase, "proceedings initiated under the Land Acquisition Act, 1894". In the facts of the instant case, it cannot be held - by any stretch of imagination - that proceedings were ever "initiated" under the said Act of 1894. As such, abdication of statutory duty on the part of the Collector of Burdwan to issue notice under section 9(3B) of the Act of 1894 - either due to sheer callousness or negligence on his/her part - cannot ipso facto translate into a claim for compensation under the Act of 2013. We do not know what prevented the writ petitioners from approaching the writ Court any time between initiation of L.A. Case No. 126R/1976-77 and the year 2014, for the purpose of seeking appropriate relief(s). Merely by making two representations - one on 20th December, 2011 and the other on 30th July, 2014 - they have sought for a issuance of a writ in the nature of mandamus for getting compensation under the Act of 2013 upon filing a writ petition only in the year 2014, by which time the said Act of 2013 has already come into force. We find that in the facts of the instant case, the writ petitioners were sleeping over their valuable right to get compensation for decades. As such, they simply cannot approach the writ Court one fine morning when the Act of 2013 has come into force in order to seek compensation under the said Act of 2013, upon invoking section 24 of the said Act of 2013, when proceedings were never "initiated" under the Act of 1894."

In *Sri Saktipada Saha Chowdhury (supra)* the Court observed as follows.

" We have heard learned counsel for the parties. The order of the learned Single Judge cannot be sustained since the acquisition of the land in question was initiated under the Act-II of 1948 and not under Act-I of the land acquisition act, 1894. Hence, Section 24 or Section 26 of the 2013 Act cannot enure to the benefit of the writ petitioners. This means, the writ petitioners will not be entitled to the benefit of determination of compensation in terms of the provisions of the 2013 Act. The order of the learned Single Judge, therefore, is set aside....."

Bearing in mind, the above observations of the Hon'ble division bench of this Court, Section 24 of Act of 2013 cannot enure to the benefit of the writ petitioners and does not apply in the facts and circumstances of the case

since the acquisition of the land in question was initiated under the Act-II of 1948 and not under Act-I of the Land Acquisition Act, 1894.

8.2. It has been strenuously argued on behalf of the petitioners that since the compensation has not been paid to the beneficiaries/petitioner upon lapse of a considerable period of more five years, the proceedings initiated for land acquisition in respect of the land in question is deemed to have been lapsed. Although it has already been observed in the foregoing paragraph that Section 24 of Act of 2013 has got no manner of application in the facts of the instant case yet since consequence of none payment of compensation is raised it needs to be dealt with. Before delving into the aforesaid aspect raised on behalf of the petitioners it would be profitable to refer to the observation of the Hon'ble Supreme Court made in *Indore Development Authority (supra)* with regard to the rule of construction and the interpretation of Section 24 (2) of the Act of 2013 as hereunder.

“ 195. The proviso thus, is not foreign to compensation to be paid under section 24(2). It provides what is dealt with in Section 24(2) and takes to its logical conclusion, and provides for higher compensation, where there is and can be no lapsing of acquisition proceedings. The rule of construction- as is clear from the preceding case law discussed, is that the proviso should be limited in its operation to the subject-matter in a clause. A proviso is ordinarily a proviso and has to be harmoniously construed with the provisions. In our opinion, the proviso is capable of being harmoniously construed with Section 24(2) and not with section 24(1)(b), once we interpret the word 'or' as 'nor' in section 24(2).

196. In keeping with the ratio in the aforesaid decisions, this court is of the considered view that the proviso cannot nullify the provision of Section 24(1)(b) nor can it set at naught the real object of the enactment, but it can further by providing higher compensation, thus dealing with matters in Section 24 (2). Therefore, in effect, where award is not made [Section 24 (1)(a)] as well as where award is made but compensation is not deposited in respect of majority of the landowners in a notification (for

acquisition) [i.e. proviso to Section 24 (2)] compensation is payable in terms of the new Act, i.e., Act of 2013.

197. For the aforesaid reasons, considering the placement of the proviso, semi-colon having been used at the end of section 24(2), considering the interpretation of section 24(1)(b) and the repugnancy which would be caused in case the proviso is lifted which is not permissible and particularly when we read the word 'or' as 'nor' in section 24(2), it has to be placed where the legislature has legislated it, it has not been wrongly placed as part of section 24(2) but is intended for beneficial results of higher compensation for one and all where there is no lapse, but amount not deposited as required. Higher compensation is contemplated by the Act of 2013, which intention is fully carried forward by the placement and interpretation."

In view of the observation of Hon'ble Supreme Court as above, if one reads the word 'or' as 'nor' in Section 24(2) of Act of 2013 the irresistible conclusion which one can arrive is that in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894), the said proceedings shall be deemed to have lapsed where an award under the said Section 11 has been made five years or more prior to the commencement of this Act but (i) the physical possession of the land has not been taken nor (ii) the compensation has been paid.

The State-respondents in its affidavit-in-opposition has stated that the land in question measuring 4.58 acres was requisitioned under the provisions of Act-II of 1948 on 22nd April, 1988 for the purpose of protection work to the left bank of river Fulhara and Excavation at pilot channel to induce cut-off at Debipur in LA Case no. 40/1987-88. Thereafter, the possession of the land-in-question was handed over the Requiring Body i.e. Executive Engineer, Mahananda Embankment Division, Malda on 6th May, 1988. The petitioners contend that the land in question has already been acquired and award has also been passed.

Further the land in question has also vested with the State. The aforesaid contention of the State-respondents of taking over possession in its affidavit-in-opposition has not been denied and disputed by the petitioners by filing any reply to the same. Therefore, it is an admitted position that the possession of land in question was taken over. Although the compensation amount of Rs.27,32,180/- was awarded and approved by the Collector, Malda on 31st January, 2012, but the same has not been paid to the petitioners. It is informed by learned advocate for the State that the amount is deposited with the Collector. Be that as it may, the non-payment of compensation cannot lead to deemed lapse and it becomes inconsequential since twin conditions are to be satisfied. Thus, in the above circumstances the proceedings does not lead to deemed lapse under of Act of 1894.

Issue No.2: Whether the petitioners are entitled to compensation under the Act of 2013 or the compensation which their erstwhile vendors would be entitled to?

9. It is the contention of the petitioners that during the interregnum period of after declaration of award and pending payment of compensation, the erstwhile land owners as vendors transferred their plots to the vendees namely the petitioners herein comprising 4.58 acres by way of deeds of conveyance. The petitioners have also contended that from the deeds of conveyance executed by the erstwhile owners, it would be evident the petitioners herein were alive of the fact that the plots of land in question were acquired land in which compensation has already been awarded. The aforesaid fact has not been denied and/or disputed by the State-respondents. It is also not in dispute that the land in question vested with

the State. Thus, facts reveal that the present petitioners are the subsequent purchasers of the land in question which vested with the State. Referring to the decision of Hon'ble Supreme Court in *U.P Jalnigam, Lucknow (supra)* it has been argued on behalf of the petitioners that subsequent purchasers can claim compensation. On the contrary, learned advocate representing the State-respondents relying on *V. Chandrasekaran (supra)* argued that the subsequent purchasers are only entitled to the extent of compensation to which their vendors are entitled and cannot challenge the acquisition proceedings.

In *V. Chandrasekaran (supra)* the Hon'ble Supreme considering its decision in *U.P Jalnigam, Lucknow (supra)* as well as other decisions of Hon'ble Supreme Court observed as follows.

"15. The issue of maintainability of the writ petitions by the person who purchases the land subsequent to a notification being issued under Section 4 of the Act has been considered by this Court time and again. In Lila Ram v. Union of India, AIR 1975 SC 2112, this Court held that, any one who deals with the land subsequent to a Section 4 notification being issued, does so, at his own peril. In Sneh Prabha v. State of Uttar Pradesh, AIR 1996 SC 540, this Court held that a Section 4 notification gives a notice to the public at large that the land in respect to which it has been issued, is needed for a public purpose, and it further points out that there will be "an impediment to any one to encumber the land acquired thereunder." The alienation thereafter does not bind the State or the beneficiary under the acquisition. The purchaser is entitled only to receive compensation. While deciding the said case, reliance was placed on an earlier judgment of this Court in Union of India v. Shri Shiv Kumar Bhargava & Ors., JT (1995) 6 SC 274.

16. Similarly, in U.P. Jal Nigam v. M/s. Kalra Properties Pvt. Ltd., AIR 1996 SC 1170, this Court held that, purchase of land after publication of a Section 4 notification in relation to such land, is void against the State and at the most, the purchaser may be a person- interested in compensation, since he steps into the shoes of the erstwhile owner and may therefore, merely claim compensation. (See also: Star Wire (India) Ltd. v. State of Haryana & Ors., (1996) 11 SCC698).

17. In Ajay Kishan Singhal v. Union of India, AIR 1996 SC 2677; Mahavir & Anr. v. Rural Institute, Amravati & Anr., (1995) 5 SCC 335; Gian Chand v. Gopala & Ors., (1995) 2 SCC 528; and Meera Sahni v. Lieutenant Governor of Delhi & Ors., (2008) 9 SCC 177, this Court categorically held that, a person who purchases land after the publication of a Section 4 notification with respect to it, is not entitled to challenge the proceedings for the reason, that his title is void and he can at best claim compensation on the basis of vendor's title. In view of this, the sale of land after issuance of a Section 4 notification is void and the purchaser cannot challenge the acquisition proceedings. (See also: Tika Ram v. State of U.P., (2009) 10 SCC 689).

18. In view of the above, the law on the issue can be summarized to the effect that a person who purchases land subsequent to the issuance of a Section 4 notification with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever, for the reason that the sale deed executed in his favour does not confer upon him, any title and at the most he can claim compensation on the basis of his vendor's title."

Thus, is now settled principle of law that a person who purchases land subsequent to the issuance of a Section 4 notification with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever, for the reason that the sale deed executed in his favour does not confer upon him, any title and at the most he can claim compensation on the basis of his vendor's title. As per the State-respondents possession of land in question has been taken over on requisition under the Act but the notice under Section 4 (1A) of Act-II of 1948 was not published and upon repeal of Act-II of 1948 with effect from 31st March, 1997, the proceedings were drawn up for finalisation in terms of Section 9(3A) of West Bengal Land Acquisition (Amendment) Act, 1997. The aforesaid aspect has not been denied and disputed by the writ petitioners. Section 9(3A) of the Act of 1997 is reproduced hereunder for the sake of convenience of discussion:

“(3A) The Collector shall also serve notice to the same effect on all such persons known or believed to be interested in any land, or to be entitled to act for persons so interested, the possession whereof has already been taken on requisition under section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (hereinafter referred to in this section as the said Act), as re-enacted by the West Bengal Land (Requisition and Acquisition) Re-enacting Act, 1977, and, in every such case, the provisions of sub-section (1) of section 4, section 5, section 5A, section 6, section 7, and section 8 of this Act shall be deemed to have been complied with: Provided that the date of notice under this sub-section shall be the date of reference for the purpose of determining the value of such land under this Act:

Provided further that when the Collector has made an award under section 11 in respect of any such land, such land shall, upon such award, vest absolutely in the Government, free from all encumbrances.”

The aforesaid provisions clearly manifest that where the possession of the land has already been taken on requisition under Act-II of 1948 and in every such case, the provisions of the provisions of sub-section (1) of Section 4, Section 5, Section 5A, Section 6, Section 7, and Section 8 of this Act shall be deemed to have been complied with. Therefore, keeping in mind the above provisions of law and in the facts of the present case the land-in-question already vested absolutely with the State.

Bearing in mind the above observation of the Hon’ble Supreme Court, the petitioners being the subsequent purchasers after such vesting of land in the State at the most can claim compensation on the basis of their vendor’s title, for the reason that the sale deed executed in their favour by erstwhile vendors does not confer upon them, any title to the land in question. The alienation thereafter does not bind the State or the beneficiary under the acquisition. The purchasers are entitled only to receive compensation, since they step into the shoes of their erstwhile owner.

10. It has been vociferously argued on behalf of the State-respondents that an estimate amounting to Rs.65,952/-was prepared on 22nd June,

1988 and 80% advance payment as compensation was approved by the Collector, Malda on 28th March, 1989 and therefore, the amount subsequently approved by the Collector is incorrect. Be that as it may, vide under Memo No.1609/LA letter dated 31st January, 2012 at page 45 of the writ petition, it is found that the Collector, Malda has accorded sanction of estimate amounting to Rs.27,32,180/- in respect of acquisition made for the said project calculated in Form 4A. Needless to mention that the aforesaid letter has not been withdrawn by the State-respondents. It manifests from the aforesaid letter that additional compensation @ 12% per annum from date of taking over possession to the tentative date of notice under Section 9(3A) of Land Acquisition Act, 1997 & 1999 (i.e. 8th May, 1988 to 24th January, 2012) and from tentative date of notice till tentative date of payment (25th January, 2012 to 24th March, 2012) has been calculated and approved. Thus, the argument as above advanced on behalf of the State-respondents is not at all tenable.

11. Accordingly, in light of the above discussion, the writ petition being no. **WPA 21492 of 2019** is disposed of directing the Competent Authority under the State to disburse the compensation amount of Rs.27,32,180/- together with interest @ 8% per annum to be calculated from 25th March, 2012 till the date of payment, in favour of the petitioners to the extent of their share in the land in question, subject to scrutiny and verification, within a period of two months from the date of communication of this order.

12. Learned advocate for the petitioner is directed to communicate this order to the Competent Authority of the State.

- 13.** There shall be no order as to costs.
- 14.** All connected applications stand disposed of.
- 15.** Interim orders, if any, stand vacated.
- 16.** Urgent photostat certified copy of this judgment and order, if applied, be supplied to the petitioners on completion of all necessary legal formalities.

(Bivas Pattanayak, J.)