

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

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 22952 of 2022

**Renubala Maity & Ors.
Vs.
State of West Bengal & Ors.**

For the Petitioners : Mr. Sudeep Sanyal, Id. Sr. Adv.
: Mr. Snehasis Jana
: Ms. Ketaki Ghosh

For the State : Mr. Soumitra Bandopadhyay
: Mr. Subhasis Bandopadhyay

Heard on : **24.02.2026**

Judgment on : **24.02.2026**

Rai Chattopadhyay, J. :-

- 1.** An order of the Special Land Acquisition Officer, Paschim Medinipur/ respondent No. 3 dated August 3, 2022 is under challenge in the instant writ petition. The dispute is related with alleged non-payment and refusal of interest, along with the amount of compensation paid to the present petitioner pursuant to the Award passed in LA Case No. 07/2006-07.
- 2.** The related background fact in a nutshell is that, vide an order dated April 19, 1984 in case No. 239 of 1984 under Section 7A of the West Bengal Land Reforms Act, land of Satish Chandra Sauth stood vested with the Government. The matter entered

into litigation. An order dated March 25, 2008 the West Bengal Land Reforms and Tenancy Tribunal in OA No. 782 of 2008 directed to Block Land and Land Reforms Officer, Kharagpur-1 to reopen the vesting case and dispose of the same by determining the question of quantum of land under irrigation and thus, not under irrigation.

- 3.** The BL & LRO, Kharagpur-1 passed its order dated March 28, 2010 that, 4.87 Acres of land has to be divested.
- 4.** Some amount of land of the petitioner measuring more or less 4 Acres, situated in Mouja – Rupnarayanpur was acquired by the West Bengal Industrial Development Corporation in LA Case No. 07/2006-07. Immediately, after passing the order of divesting the BL & LRO, Kharagpur-1 reversed its own earlier order of divesting of the land. He passed an order dated July 08, 2010 that 8.54 Acres of the petitioner's land had vested with the Government owing to the acquisition proceeding and the petitioner would be entitled to retain the rest 10.97 Acres of land. Such order of BL & LRO dated July 08, 2010 was challenged in LR Appeal No. 39 (LR/2010). The District Land and Land Reforms Officer, Paschim Medinipur, by dint of his order dated September 04, 2014 had quashed the said order of BL & LRO dated July 08, 2010. In appeal, the earlier order dated March 18, 2010 was upheld by the District Land and Land Reforms Officer and directions were also made for rectification of records.
- 5.** Apart from all these Court cases, the petitioner has also filed her representation before the Land Acquisition Collector, Paschim Medinipur dated November 02, 2010 requesting to disburse the compensation.

- 6.** Having failed to receive the compensation, the petitioner moved a writ application being WP No. 13976 (W) of 2015 before the High Court. The said writ petition was disposed of vide order dated July 16, 2015 by the Court, directing the petitioners to approach the concerned Land Acquisition Collector in accordance with law, whereupon the Land Acquisition Collector will ascertain whether the petitioners are entitled to receive the compensation or not.
- 7.** Owing to the non-compliance of the said order of the Court, a contempt proceeding was initiated being CPAN No. 38 of 2016 in connection with the said writ petition. During the contempt proceeding, the petitioners have been paid the awarded amount of compensation on April 18, 2016. The contempt application was disposed of vide order dated May 06, 2016 granting liberty to the petitioners to institute appropriate proceeding for recovery of interest in accordance with law.
- 8.** The second writ petition was filed by the present petitioners, that is the WP No. 19638 (W) of 2016 claiming interest on the amount of compensation paid. The same was relegated by dint of the Court's order dated June 27, 2022 to the Special Land Acquisition Officer to consider the prayer of the petitioners for grant of interest over the amount of compensation paid. The resultant order is that dated August 03, 2022 which is impugned in the instant case.
- 9.** On a careful perusal of the impugned order, it is found that the said respondent/Special Land Acquisition Officer, Paschim Medinipur has held that since the initiation of the LA Case No. 07/2006-07 till the date of declaration of Award on June 20, 2007, the concerned land was recorded in the Collector's Khatian. It has further been found that the delay in payment of

compensation was not attributable to the said respondent but due to the pendency of the litigation particularly, before Block Land and Land Reforms Officer, Kharagpur-1, District Land and Land Reforms Officer, Paschim Medinipur, Land Reforms and Tenancy Tribunal etc. Further it has been noted that, record was corrected in favour of the petitioners only after 2015 and from 2006 to 2015, no record of the petitioners as to the concerned land could be found. Hence, the said Authority has found that, responsibility cannot be cast upon the Authority for delayed payment of compensation. Hence, it was decided that, no interest into the amount of compensation was payable over and above the amount of compensation.

10. Mr. Sudeep Sanyal, learned senior advocate appearing for the petitioners does not dispute the fact that, several litigations have been fought before the amount of compensation was ultimately handed over to the petitioner on April 18, 2016 vide this Court's order. However, he refers to the relevant document to submit further that, since from 2008, the respondent Authority gathered knowledge about the petitioner's claim as to the concerned piece of land. He submits on the basis of the records that, in 2008, the petitioners have been called for hearing in the office of the concerned respondent and since thereafter, the respondent has been aware of each and every order of the respective authorities passed with regard to the petitioner's claim of the concerned land like the order of divesting the land, quashing of the said order in appeal the order of the Tribunal as well as this Court as discussed above.

11. Nevertheless, with his usual fairness and conviction, Mr. Sanyal, learned senior advocate for the petitioners has accepted that, at the time of initiation of the LA Case as mentioned above, the petitioners' names were not recorded in the record of rights

of the property concerned. He submits that the petitioners' land was finally stood vested with the State vide the order of the District Land and Land Reforms Officer, Paschim Medinipur dated July 08, 2010 and from that date, the petitioner should be considered as eligible for grant of interest over the compensation amount.

12. Mr. Sanyal, learned senior advocate has submitted further that, it is the settled principles of law that, action of the court can never prejudice anybody. Considering the same, the ground relied on by the respondent/Special Land Acquisition Officer, Paschim Medinipur in his order dated August 03, 2022 should stand as unsustainable and quashed, he says. He further submits that the claim of the petitioner for statutory interest at least from the period 2010 till the date of grant of compensation that is, April 18, 2016 and thereafter, till the date of actual payment of interest, may be allowed by this Court in the instant writ petition.

13. On behalf of the State respondent, there is strong objection raised by Mr. Soumitra Bandopadhyay, learned advocate defending the State. It is emphatically submitted that the petitioner would not be entitled for any benefit for the period when the land was admittedly not recorded in their names but in the name of the Collector. It is further submitted that, for recovery of money in the form of interest on compensation amount as claimed by the petitioner is amenable to jurisdiction of a Civil Court and not the Writ Court exercising extraordinary jurisdiction under provision of Article 226 of the Constitution of India. So far as the other writ petitions filed earlier by the present petitioners are concerned, according to Mr. Bandopadhyay, neither the Block Land and Land Reforms Officer nor the District Land and Land Reforms Officer, Paschim

Medinipur were parties thereto, hence, the petitioners are not free to take the plea of pendency of the proceeding before those offices at the relevant point of time. For the reasons as above, according to the State respondent, the instant writ petition is not to be maintained and is liable to be dismissed.

- 14.** Considering the nature and dispute in the instant case, the Court finds it necessary to look into the provision under Section 34 of the Land Acquisition Act, 1894 which is as below:-

“34. Payment of interest.—When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of [nine per centum] per annum from the time of so taking possession until it shall have been so paid or deposited :

[Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.]”

- 15.** Therefore, interest on the delayed payment of compensation is a statutory provision and right advanced by the legislature to the land loser which is not dependent on exercise of any discretion by the respective assessing or disbursing authorities.
- 16.** Interest under Section 34 accrues from dispossession/delayed payment of compensation. The statute has not specified as to the reasons of delay for which the interest in accordance with its terms, may or may not be payable. The Courts have time and again held that, in case of any delay attributable to the claimant, interest for that period may be withheld. Exercising the same, there is no other reason recognized in law, not to

provide statutory interest to the claimant/petitioner here, since there has been delay in payment of interest.

17. The entitlement to statutory interest is generally mandatory and compensatory in nature. Delay caused by litigation does not extinguish the land owner's right to statutory interest, especially when the land owner has been dispossessed and compensation has not been paid or validly deposited – as it is in the instant case. The reason being that, the property has already been possessed over and the owner having already lost usage thereof as well as not received the compensation therefor. Statutory interest flows from the statute, it is mostly automatic and mandatory. Statutory interest cannot generally be denied on equitable grounds.

18. In the judgment ***Union of India Vs. Pushpavathi*** reported in **(2018) 3 SCC 28**, the Supreme Court has held –

“A dispute relating to non-award of interest payable to the landowners under Section 28 or/and Section 34 of the Act is not specified under Section 18 and hence it is not capable of being referred by the Collector to the civil court under Section 18 of the Act. It is also for the reason that payment of interest is statutory in character and being statutory, it is mandatory for payment once conditions specified under Sections 28 or/and 34 are fulfilled.”

19. In the judgment ***Delhi Development Authority Vs. Sukhbir Singh*** reported in **(2016) 16 SCC 258**, it has been held that –

“15. After setting out Section 24(2), the Court went on to hold: [Pune Municipal Corpn. v. Harakchand Misirimal Solanki, (2014) 3 SCC 183

15. Simply put, Section 31 of the 1894 Act makes provision for payment of compensation or deposit of the same in the court. This provision requires that the Collector should

tender payment of compensation as awarded by him to the persons interested who are entitled to compensation. If due to happening of any contingency as contemplated in Section 31(2), the compensation has not been paid, the Collector should deposit the amount of compensation in the court to which reference can be made under Section 18.

16. The mandatory nature of the provision in Section 31(2) with regard to deposit of the compensation in the court is further fortified by the provisions contained in Sections 32, 33 and 34. As a matter of fact, Section 33 gives power to the court, on an application by a person interested or claiming an interest in such money, to pass an order to invest the amount so deposited in such Government or other approved securities and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider proper so that the parties interested therein may have the benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be."

20. The reason for declining grant of such statutory benefit to the present petitioners as has been noted in the impugned order is due to pendency of the cases before different fora which caused lapse of sufficient time. Nevertheless, in finding as above, the respondent authority has failed to take into consideration the well-settled doctrine of law that, action of Court prejudices none.

21. On the basis of the discussions as made above, the order of the Land Acquisition Officer, Paschim Medinipur dated August 03, 2022 as impugned in the instant writ petition stands to be not in conformity with the statutory provision as also the settled principles of law. Hence, devoid of being in due conformity with the law and the settled principles thereof, the said order stands liable to be set aside.

- 22.** For the reasons as above, the impugned order dated August 03, 2022 passed by the Special Land Acquisition Officer, Paschim Medinipur is hereby set aside.
- 23.** The Court finds it proper to direct that the writ petitioner is entitled to be granted with the statutory interest on the amount of compensation with effect from July, 2010, till the date of actual payment of such interest.
- 24.** Therefore, this writ petition is remanded back to the Special Land Acquisition Officer, Paschim Medinipur for disbursement of the interest to the writ petitioner in terms of direction of the Court as above, within a period of eight (08) weeks from the date of communication of copy of this judgment.
- 25.** The writ petition No. WPA 22952 of 2022 is allowed and disposed of along with applications pending if any.
- 26.** Urgent certified copies of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)