

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Sandip Kumar De

FMA No. 1234 of 2025

The District Magistrate, Malda and others
Vs.
Smt Dropadi Devi Bhagalewala and others

For the appellants : None.

For the writ petitioner/
respondent no. 1 : Mr. Arif Ali, Adv.

Heard on : 14.09.2026.

Judgment on : 14.09.2026.

Sabyasachi Bhattacharyya, J.:-

1. The affidavit-of-service filed by the respondent no. 1 in Court today be kept on record.
2. Despite service, none appears for the appellants at the time of call.
3. Learned counsel appearing for the respondent no. 1 points out that another appeal, bearing MAT No. 178 of 2024, preferred against the self-same order in respect of which the present appeal has been filed, was dismissed by a co-ordinate Bench of this Court on the ground that in view of the State not availing of the migratory provisions available in the Act of 1948 and the Act of 1984 to make and publish a valid award within the time period stipulated in such mechanism, the entire

acquisition proceedings stood lapsed in view of the provisions of Section 7A of the Act of 1948 and resultantly the title to the land of the original owner revived. As such, it was held that any transfer subsequent to the first notice under the Act of 1948 cannot be held to be barred by law.

4. In such circumstances, the appeal was dismissed.
5. We find that the previous appeal was preferred at the behest of the West Bengal Industrial Infrastructure Development Corporation, the requiring body; whereas the present appeal has been preferred by the State in the name of the District Magistrate, Malda, as well as the West Bengal Industrial Infrastructure Development Corporation.
6. Thus, since the scopes of two appeals are the same, the Court is bound by the co-ordinate Bench judgment dated July 16, 2025 passed in MAT No. 178 of 2024.
7. Accordingly, in terms of the said order, FMA No. 1234 of 2025 is dismissed as well.
8. There will be no order as to costs.
9. Urgent certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Sandip Kumar De, J.)