

Sri Sri Devi Mata and Others

Vs

State of West Bengal and Others

Kumar Raj Rajeshwari Prasad

Vs

State of West Bengal and Others

Tilak Chand Ghosh

Vs

Revenue Officer, Dalkola and Others

Civil Appeal Nos. 1549-50 of 1973 with 149-50 of 1974 and 1203 of 1979

(G. L. Oza, V. Khalid JJ)

13.04.1987

#### JUDGMENT

KHALID, J. - The only question now pressed into service before us, in these appeals, in the right of the appellants under Section 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, 1953, 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. That challenge is not available to the appellants now and is not pressed.

2. The appellants' case is that they are entitled to annuity, they being religious institutions. They were getting such annuity when the properties were situated in the State of Bihar. They seek a 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.

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