

Party Name : Md.abdul Basid Chowdhury Vs Union Of India And 2 Ors.

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned counsel Mr. D. Deb for the petitioner and learned Addl. G.A. Mr. S. Chakraborty for the respondent No.3.

No representation for the respondent Nos. 1 and 2 though record shows that on earlier occasion learned counsel Mr. A. Lodh appeared on behalf of the respondent Nos. 1 and 2.

The writ petition is taken up for disposal at this stage as per previous order.

It is submitted by Mr. Deb, learned counsel that a similar writ petition filed by another petitioner Md. Abdul Gafur Chowdhury vide WP(C) No.331 of 2013 has been disposed of by this Court by order dated 27.10.2014 and the present case also has arisen out of same notification issued by the L.A. Collector.

Learned Addl. G.A. has submitted that since in the earlier case, in the similar circumstances this Court has granted the petition, he has no objection if similar order is passed in this case.

The writ petition shows that land measuring 0.72 acres recorded in Plot No.2414 and 2415 under Khatian No.394 of Mouja Bishnupur under P.S. Kadamtala, District-North Tripura was acquired by notification issued by the respondent No.3 on 18.03.2010. Compensation was assessed and on 25.10.2010 notice was issued to the petitioner to receive the compensation. On 10.12.2010, the petitioner submitted written objection expressing his dis-satisfaction about the quantum of compensation and prayed for referring the case to the L.A. Judge for determination of the proper compensation. A copy of the objection dated 10.12.2010 filed by the petitioner is annexed as Annexure 6 to the writ petition. The petitioner stated that he has received the compensation subsequent to the filing of the objection. So, it appears that the petitioner submitted objection regarding quantum of compensation and prayed for referring the case within stipulated time but even thereafter the L.A. Collector did not refer the case to the L.A. Judge under Section 18 of the L.A. Act.

In view of the submission made by the learned counsel of both side, the present writ petition is allowed.

The respondent No.3, concerned L.A. Collector is, therefore, directed to refer the L.A. Case of the petitioner i.e. L.A. Case No.1/D of 2010 to the concerned Court of the L.A. Judge for determination of actual market price of the acquired land at the date of acquisition.

The exercise should be made by the L.A. Collector within 3(three) months from today.

With the above direction, the writ petition stands disposed of.