

22.12.2020
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Ct. 38

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

W.P.A. No. 9374 of 2020
(Via Video Conference)

**Sadhan Naskar
Vs.
State of West Bengal & Ors.**

With

W.P.A. No. 19093 of 2018
**Sadhan Naskar
Vs.
State of West Bengal & Ors**

Mr. Milon Nandi
Mr. H. Rahman

..for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar

..for the State
(in WPA 9374 of 2020)

Mr. Soumitra Bandopadhyay
Mr. Aniruddha Sen

..for the State
(in WPA 19093 of 2018)

Since the dispute raised in the writ petitions, being W.P.A. No. 9374 of 2020 and W.P.A. 19093 of 2018 involve the same claim of the petitioner for higher amount of compensation on account of acquisition of his property under the Land Acquisition Act, 1894 (in short, “the Act of 1894”) by consent of parties both the writ petitions are taken up for hearing together and disposed of by this common order.

The petitioner was the recorded owner of a plots of land being no. 508 and 513 of Mouza-Sajinatala, J.L. No. 157 (hereinafter referred to "said plots of land") which were acquired for a public purpose under the Act of 1894. The compensation dated August 14, 2018 awarded by the Collector for acquisition of one of the said plots of land of the petitioner, under Section 11 of the Act of 1894 is not acceptable to the petitioner. The petitioner intended to challenge such award under Section 18 of the Act of 1894. However, by mistake instead of filing the application before the respondent no. 2 Collector the petitioner has requested the Additional Land Acquisition Officer to refer his claim for higher amount of compensation to Court. The petitioner is an illiterate person, and such mistake on his part appears to be bona fide.

The petitioner is granted an opportunity to file the appropriate application under Section 18 of the Act of 1894 before the respondent no.2 Collector to refer his claim for higher amount of compensation to the Court within three weeks from date. If such application is made under Section 18 of the Act of 1894 within the time mentioned above, the respondent no. 2, Collector, South 24 Parganas shall forthwith refer such claim of the petitioner to the competent Court.

The applications under Section 18 of the Act of 1894 to be filed by the petitioner shall not be held to be barred by any limitation period

With the above directions, writ petitions being W.P.A No. 9374 of 2020 and W.P.A. No. 19093 of 2018 stand disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on the usual undertakings.

(Ashis Kumar Chakraborty, J.)