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01.12.2021
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W.P.A. 9947 of 2021
(Smt. Anjana Ghosh vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
.... For the Petitioner

Mr. Ansar Mondal
Ms. Srilekha Bhattacharyya
.... For the State

Heard the learned counsels for the parties.

It is submitted on behalf of the petitioner that the land of the petitioner was acquired by the State respondents and award was declared for the same on 28th January, 2006. The petitioner was invited to receive the award on 31st March, 2006 and was aware of the quantum of compensation payable to her on the said date.

Being aggrieved by the quantum of compensation, the petitioner filed an application before the 2nd respondent for reference under Section 18 of the Land Acquisition Act, 1894 to the civil Court for determination and apportionment of the compensation. Such application has not been disposed of and is

pending before the 2nd respondent till date. The petitioner prays for a direction upon the 2nd respondent to dispose of the said application by referring the matter before the competent civil Court.

Learned counsel for the State respondents draws the attention of the Court to the fact that the application was filed beyond the statutory period of time as the award was made on 28th January, 2006 and the application for reference was filed on 28th April, 2006.

The petitioner submits that she was aware of the quantum of award only on 31st March, 2006 and the application has been filed within a statutory period of time.

Having considered the submissions made on behalf of the parties and the material on record, I dispose of the writ petition with a direction upon the 2nd respondent to consider and dispose of the application filed by the petitioner dated 28th April, 2006 and refer the matter to the competent civil Court under Section 18 of the Act of 1894 for determination/consideration of enhancement of the compensation, within a period of one month from the date of communication of this order.

W.P.A. 9947 of 2021 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)