

11.08.2022
rc/ct.no.10
Item No.39

WPA No. 4189 of 2022

Mr. Dyutiman Banerjee ...for the petitioner

Mr. Chandi Charan De ...for the State

Affidavit of service filed in Court today is taken on record.

None appears for the State-respondents despite service.

Mr. Chandi Charan De, learned advocate who is present in Court today and usually appears on behalf of the State-respondents is requested to represent the State-respondents in this case. His appointment be regularised by the office of the learned Legal Remembrancer.

The petitioner is directed to serve a copy of this writ petition along with all annexures thereto upon Mr. De in course of this day.

It is submitted by the learned counsel appearing on behalf of the petitioner that the land of the petitioner was acquired for the purpose of construction of Truck Terminal cum Paribahan Nagar vide LA Case No. 4/23 of 2007-2008. Notification under 4 of the Land Acquisition Act, 1894 (in short, "the Act") was issued on 24.10.2007 and declaration under Section 6 of the Act was published on 20.11.2008. Notice under Section 12(2) of the Act was served on the petitioner on 13.03.2009.

Being aggrieved by the quantum of the awarded sum, the petitioner filed an application before the Collector under Section 18 of the Act for reference to the competent Civil Court but no such reference has been made by the Collector till date. The petitioner has prayed for a direction upon the Collector to refer the application under Section 18 of the Act to the competent Civil Court in accordance with law.

It is submitted by the learned counsel appearing on behalf of the State-respondents that in referring the matter to the competent Civil Court, the Collector may be directed to comply with the provisions of Section 19 of the Act.

It is further submitted by the learned counsel appearing on behalf of the State-respondents that as application under Section 18 of the Act was made long back, the Collector may be directed to verify the genuineness of the receiving stamp in the said application.

Upon consideration of the submission made by the learned counsels appearing on behalf of the parties, the writ petition is disposed of directing the 2nd respondent to refer the application filed by the petitioner under Section 18 of the Act to the competent Civil Court and in making the reference, comply with the provisions of Section 19 of the Act. Such reference should be made within one month from the date of communication of this order upon verification of the receiving stamp in the application.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)