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jdt.

28.03.2022
jb.

W.P.A. 16199 of 2021
(Manas Kr. Guha & Ors. vs. State of West Bengal & Ors.)

Mr. Parashar Baidya
... For the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Subhasish Bandyopadhyay
... For the State

It is submitted on behalf of the petitioners that the land of the petitioners was acquired for the purpose of construction of Nowi Basin Drainage System vide L.A. Case No. 11/56 of 1976-1977 and due to dispute with regard to award made in favour of the petitioners, this Court directed determination of market value as on 18th March, 1999 deeming the acquisition proceedings to have been validly completed and the said order was affirmed by the Hon'ble Supreme Court by an order dated 30th November, 2017 in Civil Appeal No 7087 of 2015. By the said order, the Hon'ble Supreme Court granted liberty to the petitioners to file reference under Section 18 of the Land Acquisition Act, 1894 with an observation that the limitation for such reference will commence from the date of the supplementary award which may be made within two months.

The petitioners complain that in view of such direction of the Hon'ble Supreme Court the petitioners filed a reference under Section 18 of the Act of 1894 before the Land Acquisition Collector at Barasat, North 24 Parganas for sending the same to the learned Land Acquisition Judge, Barasat, North 24 Parganas, but the same has not been sent till date. The petitioners filed an application before the concerned Authority on 9th August, 2019 for sending the said reference to the learned Land Acquisition Judge, but to no effect.

The petitioners pray for direction upon the Authority to forward the reference to the learned Land Acquisition Judge at the earliest.

Learned counsel for the State respondents has no instruction as to whether the reference has been sent or not.

In view of the same, the writ petition is disposed of directing the 2nd respondent to forward the reference made by the petitioners on 5th March, 2018 to the learned Land Acquisition Judge, Barasat, North 24 Parganas, if not already forwarded, within a fortnight from the date of receipt of this order.

With the said observations, W.P.A. 16199 of 2021 is 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.)