

22.11.2022
rc/ct.no.10
Item No.32

WPA No. 24422 of 2022

Mr. Debayan Bera
Mr. Sakti Prasad Chakraborty ...for the Petitioner

Mr. Asim Kumar Ganguly
Mr. Sudip Sarkar ...for the State

Affidavit of service and written instructions submitted by the learned counsels appearing on behalf of the parties are taken on record.

The petitioner prays for a direction upon the concerned authority to send the reference filed by the petitioner under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act of 1894") to the appropriate Civil Court having jurisdiction, such application being pending before the authority since 26.02.2018.

It is submitted by the learned counsel appearing on behalf of the respondents that the said application be referred under Section 18 of the Act of 1894 provided the same is in accordance with law and not submitted beyond the statutory period of time.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of directing the 3rd respondent to refer the petition under Section 18 of the Act of 1894 submitted by the petitioner to the appropriate Civil Court having jurisdiction after

being satisfied that the petition has been filed within the statutory period of time and is in accordance with law, within six weeks from the date of communication of this order.

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)