

22.03.2022
SL No.10
Court No.8
(gc)

**FAT 645 of 2017
With
CAN 1 of 2018
(Old No: CAN 1516 of 2018)**

**Janmenjay Giri
Vs.
State of West Bengal & Ors.**

(Via Video Conference)

Mr. R.N. Datta,
Mr. Monoranjan Jana,
...for the Appellant.
Mr. Partha Pratim Roy,
Mr. Ayan Banerjee,
....for the Respondents.

We have heard the learned Counsel for the parties.

It appears from record that objection was filed by the appellant with the District Magistrate and Collector on 22nd June, 2010 objecting to the valuation made by the said Collector in respect of acquisition of the land belonging to the appellant. Thereafter, it was a duty of the Collector to refer the matter under Section 18 of the Land Acquisition Act, 1894 to the learned District Judge for consideration. It appears that the learned Court below was of the opinion that under the Scheme of the Act, the appellant is required to file an application before the competent Court challenging the said adjudication made by the Collector. It was due to such misconception of law, an erroneous order was passed.

In view thereof, the impugned judgment dated 19th April, 2016 is set aside.

The learned District Judge, Purba Medinipur at Tamluk is requested to dispose of L.A. Misc. Case No.32 of 2010 as expeditiously as possible and preferably within a period of one year from the date of communication of this order by either of the parties.

The L.A. Collector is directed to forward the concerned land acquisition file to the learned District Judge within one week from the date of communication of this order by either of the parties.

The parties are directed to bring it to the notice of the learned District Judge as early as possible.

With the aforesaid observation, the appeal being FAT 645 of 2017 is allowed and disposed of.

The application for stay being CAN 1 of 2018 (Old No: CAN 1516 of 2018) is, accordingly, disposed of.

However, there shall be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)