

05.06.2023
rc/ct.no.10
Item No.31

WPA No. 3156 of 2021
Khirod Khatua
Versus
The State of West Bengal & Ors.

Mr. Anirban Das
Mrs. Poulami Chakraborty ...for the Petitioner

Mr. Ansar Mondal
Mr. S. Bhattacharjee ...for the State

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

Heard learned counsels appearing on behalf of the parties.

It is contended on behalf of the petitioner that upon acquisition of his land, notice under Section 12(2) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act of 1894') was issued upon him on August 27, 2012 and received by him on September 11, 2012. Being dissatisfied with the award made in his favour, the petitioner filed an application under Section 18 of the Act of 1894 before the L.A.Collector, South 24-Parganas which is yet to be considered. The petitioner prays for a direction upon the authority to consider the application at the earliest.

It is submitted on behalf of the State-respondents that the application under Section 18 of the Act of 1894 was submitted beyond the statutory period of time.

In reply, the petitioner submits that though the notice under Section 12(2) of the Act of 1894 was issued upon him on August 27, 2012, it was received by him only on September 11, 2012.

Be that as it may, since the application under Section 18 of the Act of 1894 is pending before the authority since October 18, 2012, the concerned authority being the 2nd respondent be directed to consider the said application within 15 days from the date of communication of this order and refer the same to the competent Civil Court for consideration.

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)