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jdt.

01.12.2023
jb.

W.P.A. 7463 of 2023
(Pranab Kr. Bakuli & Ors. vs. State of West Bengal & Ors.)

Mr. Tapan Kr. Rakshit
Mr. Surajit Roy

.... For the Petitioners

Mr. Chandi Charan De
Mr. Anirban Sarkar

.... For the State

Affidavit of service filed on behalf of the petitioners is taken on record.

Heard learned counsels for the parties.

Being aggrieved by the quantum of compensation allowed in their favour by the State respondents, the petitioners filed a writ petition being W.P.A. 16702 of 2021 for enhancement of the amount. By an order passed on December 3, 2021, this Court disposed of the writ petition with a direction for disbursement of the compensation in favour of the petitioners within a fortnight. By the said order, the petitioners were also granted liberty to place their grievance with regard to quantum of compensation before the appropriate authority and in the event such application was filed, the authority was directed to dispose of the same within

three months from the date of receipt thereof. The application submitted by the petitioners in terms of the order of the Court was considered and disposed of by the Special Land Acquisition Officer (G), Howrah by an order passed on 3rd November, 2022, rejecting the request of the petitioners. The said order is assailed in the writ petition.

Section 28 A (3) of the Land Acquisition Act, 1894 envisages that any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of Sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under Section 18.

In the case in hand, such application was filed before the Collector by the petitioners and disposed of by the authorities in terms of the earlier order of this Court. The application ought to have been referred by the Collector for determination of the Court in terms of Section 28A(3) of the Act of 1894.

In view of the above, the order impugned dated 3rd November, 2022 is set aside.

The writ petition is disposed of with liberty to the petitioners to file a fresh application under Section 28 A (3) of the Act of 1894 before the Land Acquisition Collector (General), Howrah being the third respondent

herein within two weeks from date. The third respondent is directed to refer the application for determination of the Court in terms of Section 28A(3) of the Act of 1894 within two weeks from the date of receipt thereof. Learned Court is requested to dispose of the matter as expeditiously as the business of the Court would permit, in accordance with law.

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.)