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jdt.

10.05.2023
jb.

W.P.A. 9252 of 2023

Panchanan Mondal
vs.
The Union of India & Ors.

Mr. S. M. Arefin
Mr. Partha Chakraborty
Ms. Disha Shukla
Muhammad Obaid
.... For the Petitioner

Mr. Pradip Kr. Das
Ms. Sabita Roy
.... For the Union of India

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

Being aggrieved by the compensation paid by the respondents for acquisition of his land by the Railways for the Project "Sainthia-Tarapith 3rd Line" the petitioner filed an application before the concerned authority under Section 18 of the Land Acquisition Act, 1894 for referring the same to the learned District Judge, Birbhum (Land Acquisition Tribunal) for adjudication.

Learned counsel for the petitioner submits that since the provision laid down under Section 20 F(6) of the Railways Act, 1989 is applicable in the instant case,

the application under Section 18 of the Act of 1894 be treated as an application under Section 20 F(6) of the Act of 1989 and dealt with by the concerned authority accordingly.

Upon consideration of the submission made on behalf of the parties and material on record, the writ petition is disposed of directing the 3rd respondent to treat the application submitted by the petitioner under Section 18 of the Act of 1894 as an application under Section 20 F (6) of the Railways Act, 1989 and take necessary steps for consideration of the same, in accordance with law.

The writ petition is thus 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.)