

11.10.2023
Ct. 654
D/L 6
ab

WPA 27597 of 2022

Prasanta Kumar Dutta

-Vs-

**The Special Land Acquisition Officer (General) &
Anr.**

Mr. Saikat Basu,
Mr. Debraj De

... for the petitioner

Mr. Jayanta Samanta,
Mr. Tapas Kumar Das

... for the State

This writ petition under Article 226 of the Constitution of India has been filed praying for direction upon the respondent authorities to refer the application to the Land Acquisition Tribunal, Howrah for determination of proper market value in respect of land in question.

The brief fact of the case is that on 28th February, 2017, the petitioner made an application for reference under Section 18 of the Land Acquisition Act, 1894 to the Special Land Acquisition Officer (General), Howrah-respondent no. 1. Since no steps were taken, hence this writ petition.

Mr. Jayanta Samanta, learned advocate for the State files report, which is taken on record. He submits that such application was never submitted before the concerned authority. He also draws the attention of the

Court that for reference under Section 18 of the Land Acquisition Act, the same has to be made within a period of six months. However, no such reference has been received by the office of the concerned authority.

Mr. Saikat Basu, learned advocate for the petitioner concedes to the submissions advanced on behalf of Mr. Jayanta Samanta, learned advocate for the State.

Upon perusal of the Annexure P-5, though the letter is dated 28th February, 2017 but there are no materials to show that such letter has reached and/or served upon the respondent no. 1. Such being the position, the writ petition is liable to be dismissed.

Accordingly, the writ petition being **WPA 27597 of 2022** stands dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)