

11.10.2023

Ct. 654

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WPA 27600 of 2022

Prasanta Kumar Dutta

-Vs-

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

Mr. Saikat Basu,
Mr. Debraj De

... for the petitioner

Mr. Ayan Banerjee,
Mr. Swapan Kumar Chatterjee

... 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.

It is contended 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. However, since no steps were taken, the petitioner is constrained to file this writ petition.

Mr. Ayan Banerjee, learned advocate for the State-respondents files report, which is taken on record. He submits that no such application was ever received

by the respondent no.1. In view of the stipulated period provided under Section 18 of the Land Acquisition Act, the reference is hopelessly barred as on date. He submits that the writ petition is liable to be dismissed.

Mr. Saikat Basu, learned advocate for the petitioner fairly concedes to the submissions advanced by Mr. Ayan Banerjee, learned advocate for the State-respondent.

Though the letter is dated 28th February, 2017 (Annexure P-5), but there are no materials to show that such letter has ever been received and/or served upon the respondent no.1. It has been categorically stated in the affidavit-in-opposition by respondent no.1 that the letter dated 28th February, 2017 was never been received by the office of respondent no.1. Such being the position, the writ petition is liable to be dismissed.

Accordingly, the writ petition being **WPA 27600 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.**)