

SI No.52
28.02.2023.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 376 of 2023
Manoj Choudhury
-versus
The State of West Bengal & Ors.**

Mr. Narendra Nath Das
Mr. Pragyadip Roy Basunia
Mr. Pratyush Adhikary
Ms. Binapani Singha
... for the petitioner.

Mr. Subir Kumar Saha
Mr. Momenur Rahman
... for the State.

The petitioner's prayer seeking reference under Section 18 of the Land Acquisition Act, 1894 filed within the prescribed time period before the Land Acquisition Collector, Jalpaiguri being the respondent no. 3 is yet to be forwarded to the learned Civil Court for consideration.

The award was passed on December 9, 1999 and the petitioner accepted the compensation amount on protest.

The petitioner seeks for a direction upon the respondent no. 3 to forward the application under Section 18 of the Act to the competent Civil Court.

According to the provisions of the Act, the reference petition ought to have been forwarded immediately upon receiving the same. Instead of forwarding the same to the competent Court it appears that it has been kept pending for more than two decades. The conduct of the respondent no. 3 cannot be

appreciated by the Court. The aforesaid respondent has grossly failed to act in accordance with the provisions of law.

The instant writ petition is disposed of by directing the respondent no. 3 to immediately forward the reference petition filed by the petitioner to the competent Civil Court.

In the event, the original petition made under Section 18 of the Land Acquisition Act, 1894 is not readily traceable in the department, then the petitioner may be requested to supply a copy of the application made under Section 18 of the Act, so that the same may be forwarded at the earliest but positively within a period of four weeks from the date of communication of this order.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)