

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

WPA 389 of 2023

**Jagdish Prasad Agarwal and Anr.
-versus-
The State of West Bengal and Ors.**

Mr. Debanjan Das
Mr. Dyutiman Banerjee

... for the petitioners.

Mr. Hirak Barman
Mr. Momenur Rahman

... for the State.

Counsel for the respective parties are
present.

The petitioners have filed the present writ application praying for an order directing the respondents authorities for compliance of the order passed by this Court on 6th January, 2009 in WPA No. 17139(W) of 2007 by referring the land acquisition matter under Section 18 of the Land Acquisition Act to the learned Civil Court.

Counsel for the petitioners submits that the petitioners have filed an application under Section 18 within the statutory period for referring the matter to the Civil Court but it was not referred and accordingly, a writ petition was filed but in spite of

the order till date the same has not been referred to the Civil Court. In terms of the order passed by this Court dated 12th April, 2023, the respondents have submitted a report wherein it reveals that by a Memo No. 107/LA dated 19th April, 2023, the Special Land Acquisition Officer, Jalpaiguri has referred the matter under Section 18 of the Land Acquisition Act 1 of 1894 to the learned Additional District Judge, L.A. Court, Jalpaiguri with respect of plot No.352, 0365/998, 354, 0355/1365, 309/1365, 305, 307/1347, 307/1348, 307/1345, 307/1350, 308/997, 308/1352, 350/1362 and 351 in connection with LA Case No.2/1997-98.

As the Special Land Acquisition Officer, Jalpaiguri has referred the matter to learned Court of Additional District Judge, no order can be passed.

Accordingly, the report submitted by the petitioner be kept with the record.

WPA 389 of 2003 is disposed of.

(Krishna Rao, J.)