

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

WPA 1096 of 2023

**Mrinal Choudhury
-versus-
The State of West Bengal and Ors.**

Mr. Narendra Nath Das
Mr. Pragyaadip Roy Basunia
Mr. Pratyush Adhikary
Ms. Binapani Singha
Mr. Madhab Kr. Roy
Mr. Jagesh Ch. Roy

... for the petitioner.

Mr. Hirak Barman
Mr. Pretom Das

... for the respondents.

Counsel for the respective parties are
present.

The petitioner has filed the present writ
application praying for a direction upon the
respondent authority to refer the reference petition
dated 14th January, 2000 under Section 18 of the
Land Acquisition Act, 1984 to the appropriate Civil
Court.

Counsel for the petitioner submits that by
an application dated 14th January, 2000, the
petitioner has requested the Land Acquisition
Collector, Jalpaiguri for referring the matter under

Section 18 of the Land Acquisition Act to the appropriate Civil Court but till date the application filed by the petitioner is pending before the Land Acquisition Collector and has not been referred to the Civil Court.

Per contra, learned counsel for the respondent authority submits that the office of the Land Acquisition Collector has not received any application dated 14th January, 2000 for referring the matter to the appropriate Civil Court.

This Court finds that there is a disputed question whether the petitioner has filed an application under Section 18 for referring the matter to the Civil Court before the Land Acquisition Collector or not and it is the duty of the Land Acquisition Collector to ascertain whether the petitioner has filed any application within the specific time for referring the matter to the appropriate Civil Court.

In view of the above, the respondent no.3 i.e. the Special Land Acquisition Collector is directed to consider the case of the petitioner and if it is found that the petitioner has made an application on 14th January, 2000 for referring the matter to the appropriate Court within the specific time, the Land Acquisition Collector will pass

appropriate order for referring the matter in Civil Court and in case if it is found that no application is filed by the petitioner within the specific time, as provided, the Land Acquisition Collector is given liberty to pass reasoned and speaking order within a period of four weeks from the date of receipt of copy of this order. In case of refusal for sending the matter to the appropriate Civil Court, the Land Acquisition Collector is directed to pass a speaking order and the same shall be provided to the petitioner within a week thereafter.

WPA No.1096 of 2023 is thus disposed of.

(Krishna Rao, J.)