

22.11.2024
Ct. No. 22
Sl. No.145
KB

**In The High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

**RVW 268 of 2015
in
CO 3305 of 2014**

**Tara Chand Hamirwasia & Ors.
-versus-
State of West Bengal & Ors.**

Mr. Mukateswar Maity
Mr. Prabir Rej
Mr. Pranab Kumar Das
Ms. Nupur Chaudhuri
... For the petitioners.

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterujee
... For the opposite party no.3

In Re: RVW 268 of 2015.

1. The instant review application has been filed assailing the order dated 6th August, 2015 passed by the Coordinate Bench wherein it was recorded a rejection order of the revisional application on the ground of absence of any application under Section 33 of the West Bengal Land Acquisition Act-I, 1894 in connection with L.A. Case No.31 of 2012.

2. In L.A. Case No.31 of 2012, Learned Additional District Judge, 1st Court, Burdwan passed the order impugned on 12.08.2014 holding, inter alia, that the L.A. Case was filed without any application under Section 33 of the

Land Acquisition Act-I, 1894 and accordingly learned Judge dispose of the application.

3. Assailing that order, the instant revisional application being CO 3305 of 2014 was filed before this Court and the Coordinate Bench rejected the revisional application on the same ground of absence of any application under Section 33 of the Land Acquisition Act-I, 1894.

4. Learned counsel appearing on behalf of the petitioner has drawn my attention to the record of L.A. Case No.31 of 2012 wherefrom it is seen that the application under Section 33 was filed on 18.11.2008 and the same is still in the record.

5. Learned counsel also has drawn my attention to one certified copy of that application which was issued in the year 2014. Therefore, question of absence of the application under Section 33 of the Land Acquisition Act-I, 1894, does not arise.

6. Learned counsel on behalf of the opposite party no.3/State Bank of India has submitted that the compensation amount has not been deposited in any interest bearing account and the petitioner has already withdrawn the compensation amount.

7. On this score only, the review application no. RVW 268 of 2015 stands allowed.

8. The order of rejection dated 6th August, 2015 in connection with CO No. 3305 of 2014 stands recalled.

In Re: CO 3305 of 2014.

1. From the Civil Order No.3305 of 2014, it appears that Learned Additional District Judge, 1st Court, Burdwan disposed of the application holding, inter alia, that prayer of the petitioner could not be allowed in absence of any application under Section 33 of the Land Acquisition Act-I, 1894.
2. It is needless to mention that the learned Judge shall dispose of the L.A. Case No.31 of 2012 on the ground of absence of the application under Section 33 of the L.A. Act-I, 1894, though the application was in the record and also certified copy of the same was delivered to the petitioner.
3. In the aforesaid view of the matter, order dated 12.08.2014 impugned in this revisional application stands set aside with a direction upon the learned Additional District Judge, 1st Court, Burdwan to dispose of the L.A. Case No.31 of 2012 preferably within six months after considering the application

under Section 33 of the Land Acquisition Act-I, 1894 which is lying in the record.

4. With the aforesaid observation, CO 3305 of 2014 stands allowed.
5. Department is directed to transmit back the Trial Court Record forthwith.
6. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.
7. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Bibhas Ranjan De, J.)