

13. 21.04.2025
Court No.19.

(Pritam)

WPA 7802 of 2025

**Abdul Rahim @ Abdul Rahim Ali @
Ali Abdul Rahim & ors.**

-Vs.-

State of West Bengal & Ors.

Mr. Dyutiman Banerjee,
Mr. Bodhisatya Halder,
Mr. Vishal Mallick

....for the petitioners.

Mr. Soumitra Bandyopadhyay,
Ms. Suchana Banerjee

...for the State respondents.

1. The affidavit-of-service as filed in court today by the writ petitioners be taken on record.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ against the respondent authorities, more specifically against the respondent no.4 to consider the application dated November 21, 2024 as submitted by the writ petitioners with the respondent no.4 authority with a further direction to remit thereafter to the jurisdictional L.A. Judge/Tribunal for determination of the actual amount of compensation payable to the writ petitioners in view of the land acquisition process, which has been initiated under Act I of 1894.

3. In course of hearing, Mr. Banerjee, learned advocate appearing on behalf of the writ petitioners, at the very outset, draws attention of this court to pages 22 and 23 of the instant writ petition being a copy of the certified copy of the order dated March 7, 2024 as passed by the learned Judge, L.A. Court (3rd Court), Barasat, North 24-pgs). It is submitted by Mr. Banerjee that from the said order, it would reveal that the said L.A. Judge found that the writ petitioners are entitled to the portions of the awarded amount as mentioned in the said order.
4. It is submitted by Mr. Banerjee that since the said portions of the award were received by the writ petitioners on protest and since the writ petitioners under cover by their Advocate's letter dated November 21, 2024 (a copy of which has been annexed at page 24 and 25 of the instant writ petition) has requested the respondent no.5 authority to make a reference to the court pursuant to the application as filed by the writ petitioners (a copy of which has been annexed at page no.13 to 18 to the instant writ petition) and since the respondent no.5 has not taken any steps for making reference under Section 18 of the Act I of 1984, appropriate relief / reliefs may be granted to the writ petitioners in terms of the prayer made in the instant writ petition.

5. Learned advocate appearing on behalf of the respondent/State, however, submits that instead of passing any order directing the respondent no.2 for referring the matter to court, the State respondent no.2 may be directed to consider the writ petitioners' letter dated November 21, 2024 in accordance with law and to pass a reasoned order in the matter.
6. On careful consideration of the entire materials as placed before this court, it reveals that sufficient materials have been placed before this court in an earlier round of litigation, the jurisdictional L.A. Court found that writ petitioners are entitled to proportionate shares of the awarded amount. Since the writ petitioners have objected with regard to the quantum of the said proportionate shares of award and since the writ petitioners have already submitted before the respondent no.2 for making reference under Section 18 of the Act I of 1894, it becomes obligatory on the part of the respondent no.2 to make a reference under Section 18 of the Act I of 1894.
7. In view of such, while disposing of the instant writ petitioners, this court directs the respondent no.2, i.e., the L.A. Collector, North 24-parganas to forward the application of the writ petitioners to the jurisdictional L.A. Court after condoning the delay, if there be any, as a reference under Section 18 of the Act I of 1894

positively within a period of 30 working days from the date of communication of the server copy of this order.

8. Liberty is given to the learned advocate-on-record of the writ petitioners to communicate the server copy of this order to the respondent no.2. Respondent no.2 is directed to act on the server copy of this order.

9. With the aforementioned observation, the instant writ petition being WPA 7802 of 2025 is disposed of.

(Partha Sarathi Sen, J.)