

S/L 10
06.08.2025
Court. No. 19
Sourav

WPA 8467 of 2024

**Asit Kumar Ghosh @ Asit Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

*Mrs. Soma Raychaudhuri
Mr. Indranil Chandra
Mr. Souvik Sarkar*

...for the petitioners.

*Mr. Ayan Banerjee
Mr. Amrita Lal Chatterjee*

...for the State.

1. The writ petitioners and the respondent/State and its instrumentalities are represented by their respective learned advocates.
2. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs commanding the respondent no. 3/authority to take appropriate steps for effective disposal of the application under Section 18 read with Section 28A of the Act I of 1894 whereby and whereunder the writ petitioners have prayed for making reference to Court.
3. At the time of hearing, Ms. Roychaudhuri, learned advocate appearing on behalf of the writ petitioners at the very outset submits before this Court that after acquisition of the land of the writ petitioners, the award was declared and since there occurred a dispute between the awardees with regard to the apportionment, a reference under Section 30 of Act I of 1894 was made to the competent Civil Court which came to be disposed of on 08.02.2013 by the learned Judge, L.A. Tribunal, 2nd

Judge, Suiri, Birbhum in L.A. Case No. 24 of 2001 on the basis of a compromise as would be revealed from Page Nos. 43 to 46 of the instant writ petition.

4. It is submitted that since the writ petitioners are not satisfied with regard to the quantum of the award, a prayer was made with the respondent no. 3/authority for making reference under Section 18, a copy of which has been annexed at Page Nos. 48 to 50 of the instant writ petition. It is submitted by Ms. Roychaudhuri that the respondent no. 3/authority for the reason best known to him took no steps whatsoever and thus made no reference as envisaged under Section 18 of Act I of 1894.
5. Per contra, Mr. Banerjee, learned advocate appearing on behalf of the State while submitting a memo dated 23.04.2024 as prepared by the respondent no. 3/authority (which is taken on record) submits before this Court that from the said memo dated 23.04.2024, it reveals that the writ petitioners' request for reference to Court under Section 18 of Act I of 1894 is very much belated that is the same has been filed after seven years.
6. For effective adjudication of the instant *lis*, this Court proposes to look to the provisions of Section 18 of Act I of 1894 and the same is reproduced hereinbelow:

"18. Reference to Court

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the

compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collectors award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collectors award, whichever period shall first expire.”

7. On careful perusal of Section 18 of Act I of 1894, it reveals that there is a specific period of limitation for making such reference.
8. Admittedly, sufficient materials have been placed before this Court on behalf of the State that the writ petitioners approached at a very belated stage before the respondent no. 3/authority for making reference.
9. In view of such, this Court finds sufficient justification in the action of the respondent no. 3/authority while not entertaining the prayer for the writ petitioners for making reference as prayed for.
10. With the aforementioned observations, the instant writ petition being **WPA 8467 of 2024** is dismissed.

11. There shall be, however, no order as to costs.
12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)