

21.04.2025
Court No.19
DL/Item No.-18
[Milan]

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 8072 of 2025

**Uttam Kumar Kanji & Ors.
versus
The State of West Bengal & Ors.**

Mr. Tapan Kumar Rakshit,
Mr. Surajit Roy

....for the Petitioners

Mr. Ayan Banerjee,
Mr. Abu Jafor

....for the State

1) The affidavit of service as filed on behalf of the writ petitioners is taken on record.

2) By filing the instant writ petition, the writ petitioners have prayed for issuance appropriate writ/writs against the respondent nos.3 and 4 to dispose of the application under Section 28A of the Act I of 1894 at the earliest.

3) In course of his submission, the learned advocate appearing on behalf of the writ petitioners, at the very outset, draws attention of this Court to page no.24 of the instant writ petition being a copy of the judgment as passed on 30.03.2010 in L. A Case No.195 of 2006 by L.A Tribunal at Howrah in a reference case under Section 18 of the Act I of 1894. It is submitted that from the copy of the said judgment, it would reveal

that the quantum of compensation as assessed by the respondent no.4 has been enhanced.

4) It is contended on behalf of the writ petitioners that since the writ petitioners' land also fall under the same notification, the writ petitioners are also entitled to enhanced compensation as determined by the L.A Tribunal, Howrah and which is why the writ petitioners have filed an application under Section 28A of the Act I of 1894 before the respondent no.4, which is yet to be disposed of.

5) Mr. Banerjee, the learned advocate appearing on behalf of the State, in his usual fairness submitted that the respondent no.4 is duty bound to dispose of the application under Section 28A of the Act 1894 in accordance with law but it is to be ascertained as to whether such application under Section 28A of the Act 1894 has been filed within the period of three months as stipulated in the said section.

6) This Court, after hearing the learned advocates for the contending parties and after considering the entire materials as placed before this Court while disposing the instant writ petition, directs the respondent no.4 to consider the application under Section 28A of the Act I of 1894 as filed by the writ petitioners, and after giving a chance of hearing to the writ petitioners or to their authorized representative and

shall pass a reasoned order soon thereafter and shall communicate the same to the writ petitioners preferably by mail, if the mail details of the writ petitioners are provided to him at the time of hearing.

7) It is further directed that the entire exercise as indicated in the forgoing paragraph is to be completed within 60 working days from the date of communication of the server copy of this order.

8) Liberty is given to the learned advocate for the writ petitioners to communicate the server copy of this order to the respondent nos.3 and 4.

9) The respondent nos.3 and 4 are hereby directed to act on the server copy of this order.

10) Before parting with, it is, however, made clear that the point of limitation as raised by Mr. Banerjee the learned advocate for the State is kept open at the time of consideration of the application under Section 28A of the Act 1894 and that point of limitation is to be decided first, while disposing of the said application.

With the aforementioned observation, the instant writ petition is disposed of.

(Partha Sarathi Sen, J.)