

16.01.2025

Item No. 51

Crt.No.02

b.r.

WPA 29937 of 2024

Iswar Prasad Goenka

-vs-

The State of West Bengal & Ors.

Mr. Debasish Sur

Mr. Swapan Kar

.... For the petitioner.

Affidavit of service filed in Court today, is taken on record.

Mr. Debasish Sur, learned advocate appears for the petitioner.

None appears for the State-respondent, despite notice.

Referring to an application filed under **Section 18** of the **Land Acquisition Act, 1894** at **page-13** pending before the jurisdictional Land Acquisition Collector, learned counsel for the petitioner submits that the same has not been referred before the jurisdictional Civil Judge for a conclusive decision in accordance with law.

In view of the above, the jurisdictional Land Acquisition Collector is directed to refer the application before the jurisdictional Civil Court

positively within a period of **four weeks** from the date of communication of this order, subject to a decision on the point of limitation by him.

In the event, the application survives for reference and is referred before the jurisdictional Civil Court then the jurisdictional Civil Court shall dispose of the same as expeditiously as possible without granting any unnecessary adjournment to the parties but after granting an opportunity of hearing to the parties and by passing reasoned order.

Since this Court has not gone into the merits of the claim of the petitioner and all points are left open before the petitioner to urge in the said **Section 18 proceeding.**

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 29937 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)