

Court No. 19
(265719)

21.01.2026
(AD 8)
(S. Banerjee)

WPA 972 of 2026

Sandip Shaw & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Avijit Saha

...for the petitioners

Mr. Ayan Banerjee
Ms. Sharmila Deb

...for the State

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

The petitioners claim that their property being
RS Plot No. 463 within Mouza – Rajendrapur, JL NO.
10, under Naihati Police Station in the district of
North 24 Parganas was acquired filed LA Case No.
4/19 of 2008-09. The Award was made on July 31,
2009.

Being aggrieved by the amount of compensation
determined, some of the awardees filed an application
under Section 18 of the Land Acquisition Act, 1894
(‘the 1894 Act’, for short) before the concerned
Collector. The Collector referred the matter for
determination of the Court and the proceeding was
registered as LA Case No. 19 of 2017 which was

disposed of by order dated December 2, 2022 by the learned Additional District Judge, 3rd Court at Barasat, North 24 Parganas. By the said judgment and order the amount of compensation was reassessed with a direction upon the LA Collector to determine the compensation in terms of the judgment and order dated December 2, 2022 passed in LA Case No. 19 of 2017. The petitioners claim to have submitted the application under Section 28A of the 1894 Act on January 17, 2023. Since no decision on such application was communicated to the petitioners within a reasonable timeframe, the petitioners through their learned advocate's letter dated March 1, 2024 demanded justice from the Land Acquisition Collector, North 24 Parganas at Barasat. Learned advocate appearing for the petitioners submits that till date no decision on the application under Section 28A of the 1894 Act has been communicated to the petitioners.

Mr. Banerjee, learned advocate appearing for the State submits that an application 28A of the 1894 Act has to be submitted within three months from the date of the Award of the Court. He submits that unless the said application is filed within the stipulated time limit, the Land Acquisition Collector is not obliged to consider such application.

Without entering into the issue as to the merits of the claim made in the application under Section 28A of the 1894 Act as well as whether the same was filed within the stipulated time limit, this writ petition stands disposed of by directing the Collector, North 24 Parganas at Barasat, being the 2nd respondent, to consider the application of the petitioners made under Section 28A(1) of the 1894 Act and to dispose of the same by passing a reasoned order which shall be communicated to the petitioner as expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order.

(Hiranmay Bhattacharyya, J.)