

Item- 12-06-2026
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WPA 20589 of 2025

Talbot & Co. alias Talbot & Company
Versus
State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. Debjit Dutta
...for the petitioner
Mr. Nilanjan Bhattacharjee
Ms. Jayita Dhar Chakraborty
Mr. Rhitam Chatterjee
...for the State

The petitioner has sought for a direction upon the Collector to refer the matter for the determination of the Court under Section 18 of the West Bengal Land Acquisition Act, 1894. Such prayer was rejected by the said Land Acquisition Officer, South 24 Parganas by a Memo dated 31-03-2023 with a finding that the said application could not be sent to the Ld. District Judge, Alipore since the application was find beyond the period of period of six months from the award dated 27th May, 2002.

It is not a case of the petitioner that he was present through his representative before the Collector at the time when the award was published. Thus, the period of limitation as contemplated under clause (a) of sub-section 2 of Section 18 of the 1894 Act will not apply to the case on hand. It is also not the case of the petitioner that the notice under Section 12(2) of the Land Acquisition Act, 1894 has been served upon him. Thus the period of limitation for filing an application under Section 18 of the 1894 Act shall start from the date of the collector's award. It is not in dispute that the date of award was 27-05-2002. From the copy of the application under Section 18 of the 1894 Act annexed at page

25 of the writ petition, it appears that the same was submitted only on 19-11-2003 i.e. ,more than six months after the award was passed.

This Court is of the considered view that the Special Acquisition Officer, South 24 Parganas was right in rejecting the prayer for referring the matter to the Court for determination under Section 18 of the Land Acquisition Act, 1894. Hence, this Court is not inclined to grant any relief to the petitioner.

With the above observations, this writ petition stands dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)