

Sl.8
20.01.2026
Court No.19
BP

WPA 28798 of 2025

Rati Kanta Ghosh & Ors.
-versus-
State of West Bengal & Ors.

Mr. Tanmoy Mukherjee
Mr. Swapan Kumar Kar
..for the petitioners

Mr. Md. Manuwar Ali
Mr. Rakesh Singh
..for the State

Thirteen writ petitioners who claim to have filed separate applications under Section 18 of the Land Acquisition Act, 1894 and have approached this Court alleging in action on the part of the Collector, 24 Parganas (North) in not referring the matter for the determination of the Court as to the dispute relating to compensation amount.

On the prayer of Mr. Mukherjee, learned advocate for the petitioners, let deficit court fees be put in on or before January 28, 2026. If the deficit court fees are not put in within the time limit mentioned hereinbefore, the writ petition shall be deemed to be dismissed insofar as the writ petitioner nos. 2 to 13 are concerned.

The petitioners claim to have filed an application under Section 18 of the Land Acquisition Act, 1894 immediately upon receipt of the notice under Section 12(2) of the 1894 Act.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that in spite of receipt of such applications the Collector, 24 Parganas (North) has not referred the application for the determination of the court with regard to the adequacy of the compensation amount.

The learned advocate appearing for the State submits that the application under Section 18 of the Land Acquisition Act, 1894 was not submitted within the stipulated period of time.

The learned advocate appearing for the State submits that before referring the matter to the court for determination it is to be first ascertained whether the application was submitted within the prescribed period of time.

Since the matter is of the year 1998 and the question of limitation in the case on hand being a mixed question of law and fact, this Court leaves such issue open to be decided by the Collector, 24 Parganas (North) before referring the matter under Section 18 of the Land Acquisition Act, 1894.

In the light of the submissions made by the learned advocates for the respective parties, WPA 28798 of 2025 stands disposed of by directing the District Magistrate and Land Acquisition Collector, North 24 Parganas to consider the application filed by the petitioners under Section 18 of the 1894 Act which is annexed at pages 17 to 29 of the writ petition and to take appropriate steps for

referring the matter for determination of the court on the objections raised in the said application provided the applications have been submitted within the period of time as specified in Section 18 of the 1894 Act. In the event any adverse decision on the applications are contemplated, a reasonable opportunity of hearing shall be provided to the petitioners or their authorized representatives and the reasoned decision shall be communicated to the petitioners immediately thereafter. The entire exercise either referring the matter for determination of the court under Section 18 of the 1894 Act or otherwise shall be communicated to the petitioners as expeditiously as possible but positively within a period of eight weeks from receipt of a server copy of this order together with a copy of the applications under Section 18 of the Land Acquisition Act, 1894 which is annexed at pages 17 to 29 of the writ petition.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)