

Sl.6
20.01.2026
Court No.19
BP

WPA 28795 of 2025

Akhil Majhi & Ors.
-versus-
State of West Bengal & Ors.

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

Mr. Lalit Mohan Mahata, Ld. Addl. Govt. Pleader
Ms. Nilanjana Adhya
..for the State

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

The primary grievance of the petitioners is that the Collector, 24 Parganas North failed and neglected to refer the prayer of the petitioners for determination of the court as to the adequacy of the compensation amount.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that immediately upon receipt of the notice under Section 12(2) of the Land Acquisition Act, 1894, an application was filed before the Collector for referring the matter for the determination of the court under Section 18 of the Land Acquisition Act, 1894. He submits that in spite of receipt of an application under Section 18 of the Land Acquisition Act, 1894, no steps have been taken by the Collector to refer the matter for the determination of the court.

Mr. Mahata, learned Additional Government Pleader submits that the application under Section 18 of the 1894

Act was not submitted within the prescribed period of limitation. He submits that the writ petitioners have not specifically stated the date on which notice under Section 12(2) of the 1894 Act has been served upon the petitioners. He further submits that though the petitioners claim to have received the award money under protest but the date on which the same was received has also not been specifically stated in the writ petition. He submits that in the event the application under Section 18 of the 1894 Act is not submitted within the time limit stipulated in the statute, the Collector is not obliged to refer the matter for determination of the Court under Section 18 of the 1894 Act.

The petitioners claim to have submitted the application under Section 18 of the 1894 Act sometimes in the month of September, 1998. This Court is of the considered view that the ends of justice would be subserved if the Collector, 24 Parganas (North) is directed to take steps in accordance with law.

In the light of the submissions made by the learned advocates for the respective parties and without making any observation as to whether the application under Section 18 of the 1894 Act was submitted within the prescribed period of limitation, WPA 28795 of 2025 stands disposed of by directing the District Magistrate and Land Acquisition Collector, 24 Parganas (North) being the 2nd respondent to consider the application under

Section 18 of the Land Acquisition Act which is annexed at pages 14 -16 to the writ petition and to take necessary steps for referring the matter for determination of the court under Section 18 of the 1894 Act provided the said application is found to have been submitted within the prescribed period of limitation. In the event any adverse decision is contemplated on such application a reasonable opportunity of hearing shall be afforded to the petitioners or their authorized representative and communicate the said decision to the petitioners immediately thereafter. The entire exercise shall be completed as expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order together with a legible copy of the application under Section 18 of the Land Acquisition Act, 1894 which is annexed at pages 14-16 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.)