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05.04.2019
Court No.3
skc

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH
AT JALPAIGURI
APPELLATE SIDE

W.P.A. 65 of 2019

Swapan Mondal
Vs.
The State of West Bengal & Ors.

Mr. Jagriti Mishra ... for the petitioner

Mr. Bikramaditya Ghosh
... for the state respondents

Mr. Suransh Chaudhury
Mr. Supriya Singh
Mr. Vikas Agarwal... for respdt.nos.7 & 8

Affidavit-of-service filed in court today is
taken on record.

The petitioner in the present writ petition
is aggrieved by non-payment of compensation due to
the proceedings initiated by the competent authority
under the National Highways Act 1956 for
construction of National Highway -31D since it is
contended by the petitioner that a shop is being run
by him beside the said proposed National Highway-
31D on PWD land.

Learned advocate appearing on behalf of
National Highways Authority submits that for

acquiring land under the relevant provisions of the Act of 1956, 3A notification was issued on 13th May, 2010 and 3D notification was subsequently issued on 12th May, 2011 and the acquisition process is complete as per the said statute of 1956.

Be that as it may, the petitioner herein is praying for compensation since he will lose the source of his income by such acquisition proceedings under the National Highway Act, 1956. The petitioner made a representation dated 9th December, 2015 addressed to Special Land Acquisition Officer and Competent Authority being the respondent no.2, claiming compensation due to the loss the petitioner suffers because of the said acquisition proceedings.

Having considered the rival contention of the parties and pendency of the said representation dated 9th December, 2015, I direct Special Land Acquisition officer, respondent no.2, to take a decision on entitlement of the petitioner to receive compensation from the appropriate authority considering the acquisition proceedings initiated by the authority under the National Highways Act, 1956 and to pass a reasoned order within a period of four weeks from the date of communication of this order after granting opportunity of hearing to the petitioner. The reasoned decision to be taken

pursuant to the directions of the court, would be communicated to the petitioner within two weeks thereafter.

With the above directions the present writ petition is disposed of. There shall, however, be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be furnished to the parties on compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)