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Ct. No.23
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(VIA VIDEO CONFERENCE)

WPA 28209 of 2015
with
IA No: CAN 1 of 202015
(CAN 11998 of 2015)
(Application not with the file)
with
CAN 3 of 2020
(CAN 5724 of 2020)
with
CAN 4 of 2020
(CAN 5725 of 2020)

A.K. Banerjee & Company & Anr.
Vs.
Union of India & Ors.

Mr. Utpal Bose, Sr. Adv.
Mr. K.A. Bhaduri
Mr. Biswajib Ghosh
Mr. S. Chakraborty
... For the petitioners

Mr. Rajdeep Biswas
... For Union of India

Mr. Dipankar Das
... For the NHAI

The petitioners have filed two applications, being CAN 3 of 2020 (CAN 5724 of 2020) and CAN 4 of 2020 (CAN 5725 of 2020). In CAN 3 of 2020 (CAN 5724 of 2020), the petitioners have prayed for a direction upon the State authorities to pay the compensation which has already been assessed to the petitioners along with interest at the rate of 9 per cent per annum from the date of taking over possession of the subject land.

The petitioners had challenged the acquisition of the land on various grounds. Initially, representations were

made before the DL & LRO, Burdwan. Since DL & LRO, Burdwan who did not take any steps. The petitioners, therefore, went before the West Bengal Land Reforms and Tenancy Tribunal (in short “WBLRTT”) under Section 14U of the West Bengal Land Reforms Act, 1955. The said application was numbered as OA No. 3322 of 2014 (LRTT). The WBLRTT by an order dated 23rd December, 2014 directed the BL & LRO, Kanksa, Burdwan to consider and dispose of the representation of the petitioners within a period of six months from the date of communication of the said order. Pursuant to such direction, the BL & LRO, Kanksa, Burdwan passed an order on 15th September, 2015. Subsequent thereto, the writ petition, being WP No.28209 (W) of 2015, was filed by the petitioners, inter alia, challenging the notification dated 27th February, 2013 by which acquisition was initiated. During the pendency of the said writ petition, the Competent Authority has assessed the compensation.

The petitioners rely upon a memo dated 16th February, 2016 issued by the Government of West Bengal from the office of the Competent Authority under the National Highways Act, 1956 and the Additional District Magistrate (LA), Burdwan. It will appear from the said memo that a compensation of Rs.3,83,43,195/- had been adjudicated.

The petitioners submit that they do not want to agitate any of the issues in the writ petition if the compensation assessed by the Competent Authority during

the pendency of the writ petition by its memo dated 16th February, 2016 is made over to the petitioners with interest which the petitioners claim to be 9 per cent.

On behalf of the National Highways Authority it is submitted that as the requisitioning authority, the National Highways Authority of India have already paid an amount of Rs.123,86,11,304/- on account of compensation in favour of LA Collector, Burdwan. A copy of the memo dated 21st February, 2014 demonstrating payment of compensation by the National Highways Authority has been made over to the Court which is taken on record. This compensation according to the National Highways Authority include the compensation for the land acquired from the petitioners. It is further submitted that the road in question for which the land was acquired has already been completed and it is operationalised.

Considering the present state of affairs, that the road has been already completed and has been put into operation, the compensation has been assessed and that the petitioners do not want to proceed with the challenge to the acquisition or for any enhancement of compensation, the Additional District Magistrate, Land Acquisition Department, Government of West Bengal, being the respondent no.3, is directed to pay the compensation amounting to Rs. Rs.3,83,43,195/- with interest at the rate of six per cent from the date of possession of the land, which is on 10th June, 2014, as per the records of the National Highways Authority. A copy of the possession

memorandum made over to Court in this regard is also taken on record. The interest is awarded as the petitioners were deprived of the benefit of the money which they were entitled to receive on acquisition and the State authorities have enjoyed the benefit therefrom after payment by the National Highways Authorities. The respondent no.3 shall pay the compensation amount of Rs. 3,83,43,195/- to the petitioners with the accrued interest by 31st December, 2020. The payment will be made after the Competent Authority is satisfied with the identity of the petitioners and the compliance of other formalities including the fact that the land acquired actually belonged to the petitioners.

Nothing remains further to be adjudicated in the writ petition. The writ petition and the applications, being CAN 3 of 2020 (CAN 5724 of 2020) and CAN 4 of 2020 (CAN 5725 of 2020) stand disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)