

10.12.2020  
p.b.  
Court No.38  
Sl. No.12.

W.P.A. 8946 of 2020

In Re: Yakub Anam Chowdhury  
Vs.  
The State of West Bengal & Ors.

Mr. Rabiul Islam,  
Mr. Arghya Chakrabarti.  
.....for the petitioner.  
Mr. Chandi Charan De,  
Ms. Sreelekha Bhattacharya,  
Mr. Anirban Sarkar.  
.....for the State.

The petitioner has filed this writ petition alleging that his land has been acquired under the National Highways Act, 1956 (in short the said Act of 1956).

It is submitted that the quantum of compensation award declared by the competent authority under the Act of 1956 falls far below the market rate of the said land. Thus, the petitioner has filed an application before the respondent no.3, the District Magistrate for adjudication of the actual compensation receivable by him through arbitration. Such application was filed before the respondent no.3 way back in August 20, 2017 but the same has not yet been decided.

Mr. De, learned advocate appearing for the State respondents submitted that the petitioner has already received the compensation amount fixed by the competent authority under Section 3G of the Act of 1956 and, as such, the petitioner claims for arbitration under Section 3G(5) of the Act of 1956 is not maintainable.

Considering the fact that the petitioner's reference of his claim for higher amount of compensation through arbitration is pending before the respondent no.3 for long period of time, this writ petition is disposed of by directing the respondent no.3 to decide the claim of the petitioner, in accordance with law after granting an opportunity of hearing to the petitioner as well as the respondents.

Such decision should be made by the respondent no.3 positively within a month from the date of communication of this order.

There shall, however, be no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Ashis Kumar Chakraborty, J.)