

22-01-2020
Court No.2
Sh/77.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 991 OF 2019

Amit Dutta & Anr. . . . Petitioners.

Vs.

State of West Bengal & Ors.... Respondents.

Mr. Jagriti Mishra.

. . .For the Petitioners.

Ms. Supriya Singh,

Mr. Vikash Agarwal.

. . .For the National Highway.

Mr. Hirak Barman,

Ms. Bedashruti Bose.

. . For the State.

Mr. Rajat Das,

Mr. Anumita Lahiri.. . . For the respondent no.8.

The petitioner alleges that the competent authority has failed to exercise jurisdiction under Section 3-H(4) of the National Highways Act, 1956 by not referring the dispute to the principal Civil Court having original jurisdiction within whose limits the land acquired was situated, for adjudication of the dispute raised with regard to the entitlement and payment thereof on the awarded compensation.

Mr. Das, learned advocate appearing on behalf of the respondent no.8 has submitted that the compensation payable to the respondent no.8 has been received by the respondent no.8 but there may be other dispute with regard to the apportionment. However reference to the Principal Civil Court will not prejudice any one.

Learned advocate appearing on behalf of the National authorities also submits that the Highways authorities have already deposited the amount before the competent authority and they do not have any further role to play.

Learned advocate appearing on behalf of the competent authority submits that direction may be issued upon the competent authority to act in terms of Section 3-H(4) of the National Highways Act, 1956.

Having heard the learned counsel appearing for the parties and considering the submission made on behalf of the respective parties, this writ petition is disposed of with a direction upon the competent authority to act and proceed in terms of the provision of Section 3-H(4) of the said Act and such action should be taken within a period of one month from the date of communication of this order.

Once the matter is referred to the Principal Civil Court the learned District Judge will act in accordance with law.

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

(SHAMPA SARKAR, J.)