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12.07.2021
Ct. No.10
b.das

W.P.A. 169 of 2020
(Via Video Conference)

Amala Kundu & Ors.
Vs.
The State of W.B. & Ors.

Mr. Sarbananda Sanyal	 for the Petitioner.
Mr. Chandi Charan De Mr. A. Sarkar	 for the State.
Ms. M. Roy	for NHAI.

The grievance of the petitioner is directed against the failure and refusal of the respondent authorities to consider the prayer of the petitioner for compensation in respect of the purported structures on the land of the petitioner.

Ms. Roy appears on behalf of the NHAI respondent and submits that a final award has been passed in respect of the compensation payable to the petitioner.

It is further submitted on behalf of the NHAI that there is no application annexed in this petition in respect of alleged compensation payable for the purported structures on the petitioner's land.

It is also submitted on behalf of the NHAI that the instant petition is not maintainable in view of the embargo contained in the National Highways Act, 1956.

I have considered the submissions of the parties. I find that there is no application annexed to this petition in respect of compensation payable for the

alleged structures on the land which has been acquired of the petitioner.

In any event, in view of the statutory alternative efficacious remedy available to the petitioner under the provisions of the National Highways Act, I am of the view, that this petition is not maintainable. Accordingly, WPA 169 of 2020 is dismissed as not maintainable.

Liberty is granted to the petitioner to avail its remedy in accordance with law, if so advised.

However, there will be no order as to costs.

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

(Ravi Krishan Kapur, J.)