

18.08.2021
jb.

W.P.A. 2607 of 2020
(Jagabandhu Biswas vs. Union of India & Ors.)

Mr. Raja Biswas
Mr. Abhijit Sarkar
....For the Petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar
....For the State
Ms. Maanika Roy
.... For the NHAI

The grievance of the petitioner is directed against non-payment of adequate compensation in respect of the subject acquisition proceedings. It is submitted on behalf of the petitioner that a final award has been passed under the National Highways Act, 1956. It is further submitted on behalf of the petitioner that no notice of the proceedings was ever served on the petitioner.

Ms. Roy appears on behalf of the NHAI. The State respondents are also represented.

It is submitted on behalf of the respondents that the petitioner has adequate, statutory, alternative, efficacious remedy under the provisions of the National Highways Act, 1956 and the petitioner ought to have filed an application

under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the final award.

Heard the parties. I am of the view that this writ petition is not maintainable on the ground that the petitioner has adequate, alternative, efficacious remedy under the aforesaid Act and should avail of the same.

In view of the aforesaid, W.P.A. 2607 of 2020 is dismissed as not maintainable.

Liberty is granted to the petitioner to approach the appropriate forum in accordance with law, if so advised.

I make it clear that I have not gone into the merits of the controversies and nothing in this order will be construed as binding on the merits of the case.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)