

08.02.2021
Item no. 29

Aloke
Ct. no.38

(Through Video Conference)

W.P.A. 4970 of 2020

Dhananjay Tapadar
Versus
The State of West Bengal & Ors.

Mr. Hemonta C. Mitter
... for the petitioner
Mr. Chandi Charan De, Id. AGP
Mr. Haripada Maiti
... for the State
Mr. Shamit Sanyal
Ms. Manika Ray
... for NHA

Ms. Tapasi Sinha Palit
... for UOI

The petitioner's land was acquired under the provisions of the National Highways Act, 1956. The compensation was assessed by the competent authorities. Admittedly, the petitioner has received the compensation amount. However, the petitioner is aggrieved by the quantum of the compensation. According to him, the quantum should be much more going by the market rate.

Since the petitioner is aggrieved by the amount of compensation assessed by the authorities, his remedy would be to take recourse to Section 3G(5) of the National Highways Act, 1956 which provides an efficacious alternative remedy to the petitioner.

It is submitted on behalf of the National Highways Authorities that other aggrieved parties invoked Section 3G(5) of the 1956 Act in 2017 and the petitioner has approached this Court belatedly. Learned Advocate is

right. The petitioner should have been more diligent. However, learned Advocate for the petitioner submits that the petitioner is not an educated person and also the pandemic intervened. Hence, I am inclined to condone the delay on the part of the petitioner.

In view of the existence of such alternative remedy, this Court is not inclined to entertain the writ petition. Accordingly, this writ petition is disposed of by granting leave to the petitioner to invoke the provisions for arbitration contemplated in Section 3G(5) of the National Highways Act, 1956. If the petitioner does so within a fortnight from the date, the authorities shall cooperate with the petitioner in conducting the requisite arbitration. The petitioner would be at liberty to argue all points before the Arbitrator.

If the petitioner invokes the provision for arbitration, the arbitration proceeding should be completed at an early date and preferably within eight weeks from the date of receipt of request for arbitration.

I have not gone into the merits of the petitioner's case.

W.P.A. 4970 of 2020, is, thus, disposed of.

Since no affidavit has been called for, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

(Arijit Banerjee, J.)