

W.P.A. 10817 of 2021

(Via Video Conference)

Dr. Ajit Kr. Singh
Vs.
Union of India & Ors.

Ms. S. Saha Dutta	
Mr. Niladri Saha	for the petitioner.
Ms. Monika Roy	...for NHAI.
Mr. Phiroze Edulji	
Mr. Dilip Kr. Saila	...for the UOI.
Mr. Chandi Charan De	...for the State.

Heard the parties.

The grievances of the petitioner is directed against the payment of inadequate compensation in respect of acquisition by the State authorities. It is submitted on behalf of the petitioner that in respect of construction of a bridge by the National Highways authorities, the land of the petitioner has been submerged.

The petitioner relies on a communication dated 9th December, 2020 whereby NHAI has alleged that there has been shifting of an existing bridge, which was technically required by the NHAI authorities to carry out the proposed construction.

Mr. De, appearing on behalf of the State respondents submit that the petitioner has filed a Civil Suit before the competent court seeking similar reliefs.

Ms. Roy, appearing on behalf of the NHAI submits that no portion of the petitioner's land has been acquired and there has been no construction whatsoever on the petitioner's land.

It is further submitted on behalf of the NHAI that the proposed bridge which has to be constructed has also not taken place.

Mr. Edulji, appearing on behalf of the Union of India submits that the question of compensation would only arise if any portion of the petitioner's premises had been acquired.

In reply, Ms. Saha, appearing on behalf of the petitioner submits that the Civil Suit filed by the petitioner has been withdrawn and there is no suit pending as on date.

Ms. Saha also relies on a decision reported in (2020) 4 SCC 228 to contend that the Hon'ble Supreme Court had increased the quantum of compensation in the facts and circumstances of that particular case.

I have heard the parties. I am of the view that there is nothing on record to demonstrate that any portion of the petitioner's land has been acquired by the State respondents. The question of compensation or enhancement of compensation can only arise if any

portion of the petitioner's premises has been acquired by the State respondents.

Accordingly, I am of the view that there is no merit in the writ petitioner and the same is liable to be dismissed.

WPA 10817 of 2021 is dismissed, however, there will be no order as to costs.

Liberty is granted to the petitioner to take whatever remedy if so advised in accordance with law in respect of any grievances that the petitioner may have.

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.)