

September 20, 2021

ARDR

(29)

WPA 12506 of 2021

Goutam Ghosh & anr.

Vs.

The State of West Bengal & Ors.

Mr. Koustav Bagchi,

Mr. Sourav Mukhrjee,

....for the petitioners.

Mr. Maanika Roy,

...for the NHAI.

Mr. Soumitra Bandyopadhyay,

Mr. Sanatan Panja,

...for the State.

The petitioners complain that a portion of their land was acquired by the State respondents and compensation for the same was granted to them, which was considered to be inadequate by them for the reason that much lesser portion of their mother's land was acquired by the authorities and their mother was granted a much higher compensation.

It is admitted by the petitioners that subsequent to receiving compensation they made a representation before the Arbitrator and after such petition was disposed of by way of arbitration, the petitioners have also received the additional amount of compensation on 11th March, 2016. The grievance of the petitioners is discrimination between the compensation granted to them and their mother.

The State respondents submit that as the petitioners can take recourse to Section 34 of the

Arbitration and Conciliation Act, 1996 if they are aggrieved by the order of the Arbitrator, the writ petition is not maintainable.

It transpires from the record that admittedly the petitioners have received the additional amount of compensation decided by the Arbitrator. The petitioners are, in substance, aggrieved by the said amount. In such case the petitioners were at liberty to approach the appropriate forum under Section 34 of the Act of 1996. As alternative efficacious remedy is available to the petitioners, the Writ Court, in its extraordinary jurisdiction under Article 226 of the Constitution, cannot delve into the matter on merits.

Accordingly, WPA 12506 of 2021 is dismissed as not maintainable. However, there shall be no order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to be not admitted.

Urgent certified website copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Suvra Ghosh, J.)