

December 13, 2021

ARDR

(26)

W.P.A. 14649 of 2021

Ajit Yadav @ Ajit Kumar Yadav

Vs.

The Union of India & Ors.

Mr. Shamik Chatterjee,
Mr. Aditya Bikram Mahato,

...for the petitioner.

Ms. Manika Roy,

...for the NHAI.

Mr. Susovan Sengupta,
Mr. Subir Paul,

...for the State.

Affidavit of service filed by the petitioner, be taken on record.

Heard learned counsels for the parties.

It is submitted on behalf of National Highway Authority of India that the highway in question is under the supervision of the State authorities and the National Highway Authority of India has no control and supervision over the said highway and as such, no role to play in the present matter.

The petitioner's grievance is that the plot of land owned and possessed by him was acquired by the State authorities, but no compensation was paid to him for the same. The petitioner received a copy of notice issued by the competent authority on 10th August, 2021 which indicates that due to a dispute with regard to disbursement of payment of compensation in favour of the petitioner who was allegedly unable to produce any document of title in

his favour, the compensation amount has been deposited before the Court of the learned District Judge, Paschim Burdwan. The petitioner submitted a representation before the concerned authority on 10th September, 2021 which is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the said representation.

It is submitted on behalf of the State respondents that as the compensation amount has already been deposited before the learned District Judge in terms of Section 3(H)(4) of the National Highways Act, 1956, the concerned authority has become *functus officio* and the remedy of the petitioner lies before the Court.

It transpires from the letter dated 10th August, 2021 that due to dispute with regard to title of the petitioner in respect of the plot in question and as it was not possible to ascertain to whom the compensation was payable, the matter was referred to the learned District Judge, Paschim Burdwan in terms of Section 3(H) (4) of the Act of 1956. Therefore, the petitioner is at liberty to approach the said learned Court for redressal.

This Court, in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India, cannot deal with the matter as it is pending before the learned District Judge, Paschim Burdwan.

With such observations and directions, WPA 14649 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)