

17
09.12.2021
Ct. No.10
b.das

W.P.A. 16254 of 2019
(Via Video Conference)

Asan Ali Mondal
Vs.
State of W.B. & Ors.

Mr. P. P. Roy
...for the petitioner.

Mr. Chandi Charan De
Mr. Haripada Maity
Mr. A. Sarkar
...for the State.

Mr. Manika Roy
....for the NHAI.

Report in the form of affidavit filed by the National Highways Authority is taken on record.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that the plot of land owned and occupied by him and acquired by the State authorities was classified as 'aman' in the record of rights. Compensation was awarded in respect of the said land and being aggrieved by such compensation, the petitioner approached the Arbitrator under Section 3 G(5) of the National Highways Act, 1956. The arbitral award was granted on 16th September, 2016.

The petitioner alleges that such amount has not been disbursed to the petitioner till date.

It is submitted on behalf of the National Highway Authority that though the land in question was classified as 'aman' in the record of rights, on physical verification it was found to be 'dokan/hotel' . Learned counsel further submits that the amount of compensation has been deposited by the authority with the State authorities on 19th December, 2017.

It is submitted on behalf of the State that the petitioner is entitled to get compensation in terms of the arbitral award as well as the classification of land as appears in the R.S. Record of Rights.

It appears that the petitioner submitted a representation/objection before the District Magistrate, Nadia on 19th September, 2016, ventilating his grievance. The said representation is yet to be disposed of.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of by directing the respondent No.3 to consider and dispose of the said representation dated 19th September, 2016, within a period of two months from the date of communication of this order, after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

With the above observations and directions this writ petition WPA 16254 of 2019 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.)