

28.09.2021
b.das

W.P.A. 20323 of 2017
(Pradipta Sarkar vs. State of West Bengal & Ors.)

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
.... For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Subhasis Bandyopadhyay
.... For the State

Mr. Dipankar Das
.... For the NHAI

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

The petitioner claims to be one of the co-sharers of the property in question, which was acquired by the National Highways Authorities for the purpose of widening the National Highway. The petitioner submits that after demise of the original owner who executed a will in respect of the property in favour of the petitioner, probate proceeding was filed by the petitioner and was dismissed against which an appeal preferred by the petitioner is pending before this Court. The petitioner prays for referring the matter to the principal civil court of original jurisdiction under Section 3H (4) of the

National Highways Act for apportionment of the compensation.

The State authorities have filed a report which is taken on record. It is submitted on behalf of the State that the land was acquired and compensation was paid in full to all the other awardees except the petitioner. The matter was also referred for arbitration and an additional amount of compensation in terms of the arbitration award has also been granted.

The National Highways Authority of India submits that the matter may be referred to the principal civil court of the district for apportionment of the petitioner's share.

Having considered the submissions made on behalf of the parties and in view of the provisions laid down under Section 3H(4) of the Act of 1956 the petitioner shall be at liberty to approach the principal civil court of the district for apportionment of his claim. The concerned authority shall dispose of the application filed by the petitioner on merit after affording reasonable opportunity of hearing to all the affected parties in accordance with law.

W.P.A. 20323 of 2017 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)