

10.09.2021
rc/ct.no.10
Item No.24

WPA No. 20712 of 2017
Haradhan Das & Anr.
Versus
The Union of India & Ors.

(VIA VIDEO CONFERENCE)

Md. Salahuddin
Md. Ansanuzzamanfor the petitioners

Mr. Soumitra Bandyopadhyay
Mr. Aniruddha Sen ...for the State

Affidavit of service filed in Court today be taken on record.

Heard the learned advocates appearing on behalf of the parties.

Learned Advocate appearing on behalf of the petitioners submits that after acquisition of their land by the respondent authorities the petitioners have filed an application on May 07, 2014 before the Special Land Acquisition Officer, Murshidabad for determination of compensation on the basis of market value of the land on the date of publication of notification. In reply to the said application the Special Land Acquisition Officer, Murshidabad by a letter dated 04.08.2014 stated, inter alia, that if the amount determined by the competent authority is not acceptable to the party, such amount shall be determined by the learned Arbitrator to be appointed by the Central Government. Pursuant to such letter the petitioners applied before the Joint Secretary, Land Reforms Department, Government of West Bengal for

arbitration under Section 3H(5) of The National Highway Act, 1956 (hereinafter referred to as “the Act”).

Learned Advocate appearing on behalf of the State-respondents submits that such application should be submitted before the Additional District Magistrate (Land Acquisition), Murshidabad who has been appointed as an Arbitrator by notification of the Central Government.

Accordingly, I dispose of this writ petition with liberty to the petitioners to file an application under Section 3H(5) of the Act before the Additional District Magistrate (Land Acquisition), Murshidabad.

If such application is made by the petitioners, the said application be considered and disposed of by the authority in accordance with law after affording opportunity of hearing to all the affected parties or their authorised representatives including the petitioners.

Accordingly, this writ petition being WPA No. 20712 of 2017 is disposed of.

There shall be, however, no order as to costs.

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

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh,J)