

12.08.2021
jb.

W.P.A. 18485 of 2019
(Shyamal Basu vs. State of West Bengal & Ors.)

Mr. Subrata Mukhopadhyay
Mrs. Daisy Basu
 **For the Petitioner**
Mr. T. M.Siddiqui
Mr. Nilotpai Chatterjee
 **For the State**
Ms. Monika Roy
 **For the NHAI**

The grievance of the petitioner is directed against inadequate compensation in respect of acquisition of the subject premises. It is contended on behalf of the petitioner that the petitioner has made a representation and the same has yet not been considered by the respondent authorities.

Mr.Siddiqui appears on behalf of the State respondents and submits that the writ petition is not maintainable on the ground that the petitioner has not availed of the statutory, adequate, alternative, efficacious remedy provided under the National Highways Act, 1956. It is further submitted on behalf of the State that the petitioner has received the entire compensation and is now seeking enhanced compensation.

Ms. Roy, appears on behalf of the NHAI and submits that the writ petition is not maintainable in view of the statutory alternative remedy available to the petitioner. She further submits that the petitioner was a tenant and has received the

entire compensation in the acquisition proceedings as per Section 3 G (2) of the National Highways Act.

I am of the view that since a final award has been passed and the petitioner has received the entire compensation, the issue of enhanced compensation can only be adjudicated by way of an application under Section 34 of the Arbitration and Conciliation Act before the appropriate authorities.

In view of the statutory alternative efficacious remedy available to the petitioner, I am of the view that the writ petition is not maintainable and the same is accordingly dismissed.

There shall be no order as to costs.

Liberty is granted to the petitioner to approach any fora in accordance with law in respect of his claim for enhanced compensation.

(Ravi Krishan Kapur, J.)