

July 26, 2021

ARDR

(19)

WPA 18821 of 2019

Ramkamal Pal

Vs.

The Union of India & Ors.

Mr. Baidurya Ghosal,

Ms. Sangeeta Roy,

...for the petitioner.

Ms. Maanika Roy,

...for the NHAI.

The petitioner assails the demolition notice issued by the respondent authorities.

It is submitted on behalf of the petitioner that the actions of the State authorities are in violation of the provisions of the National Highways Act, 1956 and that the petitioner is entitled to compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Ms. Maanika Roy appears on behalf of the NHAI and submits that the petitioner has already accepted the entire compensation amount in respect of the subject premises and the writ petition is malafide and an after thought.

I am of the view that in view of the fact that the petitioner has accepted the entire compensation in accordance with law, I find no merit nor bonafide in this petition.

The entire exercise orchestrated by the petitioner is to delay and procrastinate the demolition proceeding which has been initiated by the respondents under the provisions of the National Highways Act, 1956. There is no other ground, which warrants any exercise of discretion in favour of the petitioner. In any event, the petitioner has an efficacious, alternative statutory remedy which he has chosen not to avail.

Accordingly, WPA 18821 of 2019 stands dismissed.

(Ravi Krishan Kapur, J.)