

17.08.2021
rc/ct.no.10
Item No.08

WPA No. 23855 of 2019
Sri Sunil Biswas
Versus
The State of West Bengal & Ors.
(VIA VIDEO CONFERENCE)

Mr. P.P.Ray	...for the petitioner
Mr. Soumitra Bandyopadhyay	
Mr. Subhasis Bandopadhyay	for the State
Mrs. Manika Roy	...for the NHAI

The grievance of the petitioner is that though he has received compensation for 0.6 decimal of land he is entitled to compensation for 0.8 decimal of land. It is further alleged on behalf of the petitioner that he is the owner of 0.8 decimal land.

Mr. Bandyopadhyay, Advocate appearing on behalf of the State-respondents relies on a report, a copy whereof is served upon the Advocate appearing on behalf of the petitioner.

It is submitted by Mr. Bandyopadhyay that the subject acquisition proceedings were initiated as far back as in 2010-11 in L.A.Case No. 68/LA/NHAI/CHAK/10-11. The petitioner was duly represented and appeared at such acquisition proceedings and has also received the entire compensation in respect of the same. The petitioner had also filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 and the same has been disposed of. It is further submitted by Mr.

Bandyopadhyay that the petitioner at no point of time raised this issue except in this petition in respect of compensation being paid for less land.

The Advocate appearing on behalf of the National Highway Authority of India adopts the submissions made on behalf of the State-respondents. She also submits that there are 10 co-owners of the subject premises and the petitioner has been paid the entire compensation in terms of his share.

I have heard the parties. I am of the view that a new case is sought to be made in this petition for the first time. Since the petitioner is raising a new plea for the first time before this Court I am of the view that the Writ Court cannot entertain such a dispute at this belated stage of the acquisition proceedings which have been concluded. The plea raised by the petitioner was never raised at any stage of the acquisition proceedings and also not raised in the application filed under Section 34 of the Arbitration and Conciliation Act, 1996. Hence, there is no merit in the case of the petitioner.

Accordingly, WPA No. 23855 of 2019 stands dismissed.

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

(Ravi Krishan Kapur,J)