

07.12.2021
rc/ct.no.10
Item No.09

WPA No. 27650 of 2017
Sushanta Mondal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee ...for the petitioners

Mr. Dipankar Das ...for the NHAI

Mr. A. Rakshit
Mr. Ram Chandra Guchait ...for the State

Copies of documents filed by the learned counsel appearing on behalf State be taken on record.

Heard the learned counsels appearing on behalf of the parties.

Learned counsel appearing on behalf of the petitioners submits that their land along with structures thereon was acquired by the State-Authorities and compensation with regard to the land in question was paid to them. The petitioners let out one of the structures in the property to the office of a particular political party and the said party has been possessing the same since then. The petitioners' grievance is that while disbursing compensation, the State Authorities paid compensation in respect of the said structure to the 6th respondent who is the Secretary of the concerned political party. The petitioner refers to prayer (B) of the writ petition and prays for an order in the nature of mandamus commanding the State-respondents to refer the dispute regarding

construction of structure to the competent civil court for apportionment of compensation under Section 3H(4) of the National Highways Act, 1956.

The State-respondents, per contra, submit that the structure which holds the office was constructed by the concerned political party and the political party has been occupying the same for the last 40-42 years.

Learned counsel appearing for the National Highway Authority of India also suggests reference of the matter to the competent civil court for apportionment of compensation.

It is not in dispute that the entire compensation amount has been paid. The petitioners and the 6th respondent along with the concerned political party claim to have raised the structure occupied by the office.

In view of the above, this Court is of the view that the dispute is required to be referred to the competent civil court under Section 3H(4) of the National Highways Act, 1956 for apportionment of the amount of compensation payable with regard to the structure in question.

Accordingly, WPA No. 27650 of 2017 is disposed of directing the 4th respondent to refer the matter to the competent principal civil court of original jurisdiction for apportionment of the amount of compensation payable for the structure in question. Such exercise should be completed within one month from the date of communication of this order.

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

Since no affidavit is 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)