

08.01.2021

p.b.

Sl. No.10.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 24353 of 2019

Tarun Tapan Nandan

Vs.

The State of West Bengal & Ors.

Mr. P.P. Roy,

Mr. Dyutiman Banerjee.

.....for the petitioner.

Mr. Chandi Charan De,

Mr. Dipankar Pal.

.....for the State.

Ms. Manika Roy.

.....for NHAI.

Leave is granted to the petitioner to correct the cause-title of the writ petition during the course of the day.

The grievance of the petitioner in this application is against the inaction on the part of the respondent no. 3, the Additional District Magistrate (Land Acquisition), Bankura to refer her claim for higher amount of compensation under Section 3-G of the National Highway Act, 1956 (hereinafter referred to as “the Act of 1956”).

The claim of the petitioner for compensation arises on account of acquisition of his land situated in the District of Bankura for the project of upgradation of 2 lane with paved shoulder of NH 60. By the award dated March 31, 2018 the respondent no. 3 assessed the compensation receivable by the petitioner at Rs.6,25,442/- which was

not accepted by the petitioner. By a communication, which was received by the respondent no. 3 on February 6, 2019, the petitioner requested the said respondent to refer her claim for higher amount of compensation to arbitration under Section 3G(5) of the Act of 1956. In spite of receipt of the said request for referring his claim for higher compensation, the respondent no. 3 is sitting tight over the matter.

When this application is taken up for hearing, learned counsel appearing for the State respondents produced an instruction in writing issued by the respondent no. 3 wherefrom it appears that it is the respondent no. 5, the Divisional Commissioner, Medinipur Division who has been appointed as the Arbitrator by the National Highway Authority to decide her claim for higher amount of compensation for acquired land in the District of Bankura.

At this juncture, Ms. Manika Roy, counsel appearing for the respondent National Highway Authority submitted that she has the specific instruction that the petitioner's land in question has not been acquired by the National Highway Authority for any land in Bankura utilized by the National Highway Authority.

However, such assertion made by the National Highway Authority appears to be belied by the notice dated September 28, 2018 issued by the competent authority under the Act of 1956 stating that the compensation for

the petitioner's land being awarded for using the same for the project of "Upgradation of 2 lane with paved shoulder of NH 60".

Considering the facts of the case, the respondent no. 3 is directed to forward all records of the petitioner's case to the respondent no. 5 positively within January 27, 2021. Thereafter, the respondent no. 5 shall publish the arbitral award deciding the petitioner's claim for higher amount of compensation within eight weeks after granting opportunities of hearing to the petitioner.

With the above directions, WPA 23966 of 2019 stands allowed.

There shall, however, no order as to costs.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court

(Ashis Kumar Chakraborty, J.)