

20.07.2021
rc/ct.no.10
Item No.01

WPA No. 28980 of 2017
Dipak Ghosh
Versus
Union of India & Ors.

(VIA VIDEO CONFERENCE)

Mr. Anirban Das
Mrs. Rumeli Sarkar ...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Aniruddha Sen ...for the State

Mr. Dipankar Dasfor the NHAI

The grievance of the petitioner is primarily directed against the failure of the respondent authorities to award compensation to the petitioner in terms of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, “**the Act**”). The prayers in the petitioner as well in the body of the petition highlights this grievance of the petitioner.

Mr. Das, Advocate appearing on behalf of the petitioner, submits that National Highway Authority of India (in short, “**NHAI**”) has not followed the procedure under the National Highway Act, 1956 and the proceeding initiated under Section 3G of the National Highway Act, 1956. He further submits that no signed copy of the award was served upon the petitioner. He also submits that the petitioner assails the entire acquisition proceeding adopted

by the NHAI. He also submits that the petitioner assails the order passed by the competent authority.

Mr. Dipankar Das, Advocate appearing on behalf of the NHAI, submits that the award was passed in the year 2015, approximately three years ago and there is inordinate delay on the part of the petitioner in approaching this Court. He also submits that the statutory procedures have been followed on the part of the NHAI and there has been no infraction of the Act or the regulations framed thereunder. He also submits that some of the land owners have accepted the awarded sum and others have filed an application Under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the award.

Mr. Soumitra Bandyopadhyay, Advocate appearing on behalf of the State submits that the petitioner has accepted the award and he has been paid the entire compensation and subsequently after two years the petitioner made a representation before the State Authority.

I have heard the parties.

The grievance of the petitioner is that compensation payable to the petitioner should be in terms of the provisions contained in the 2013 Act. It is an admitted fact that the petitioner has received the entire compensation amount long ago. In view of the acquiescence on the part of the petitioner, I am of the view that it is too late in the day to approach this Court. I also do not find any

bonafides in the case made out by the petitioner as far as non-receipt of the award is concerned. Hence, there is no merit in this writ petition.

Accordingly, WPA No. 28980 of 2017 is dismissed.

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

(Ravi Krishan Kapur,J)