

09.03.2021
(S/L-50)
Ct.-18
(Susanta)

(Via Video Conference)

W.P.A. 30592 of 2017

Gobindapur Vibekananda Club & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Partha Prtaim Roy,
..... For the Petitioners.

Mr. Susovan Sengupta,
Mr. Subir Pal,
..... For the State Respondents.

Ms. Manika Roy,
..... For the NHAI.

Mr. Susovan Sengupta, learned advocate appearing on behalf of the State respondents files a report which is taken on record.

The petitioner no.1 is a registered club of which the petitioner no.2 is the President.

The petitioners claim that the land of the petitioner no.1 have been acquired in L.A. Case No. 44/M-2/LA/NHAI/Santi/15-16 and an award declaring compensation in the said acquisition proceeding has already been published.

The petitioners raised a dispute in the apportionment of the awarded amount of compensation.

The competent authority, the Special Land Acquisition Officer, Nadia, while considering such dispute held that the petitioner-club is not

entitled to the said compensation as the club is not in possession over the acquired land and directed disbursement of the entire compensation amount in favour of the private respondents being respondent no. 6,7 and 8 herein.

The said order of competent authority is under challenge in the present writ petition.

Under Section 3H(4) of the National Highways Act, 1956 the competent authority is obliged to refer any dispute with regard to the apportionment of the amount of compensation or any part thereof or to whom such compensation or any part thereof is payable to the decision of the Principal Civil Court of the original jurisdiction within the limits of whose jurisdiction the land is situated.

The competent authority has patently transgressed its jurisdiction in deciding the dispute raised by the petitioners, as such, the order under challenge being not sustainable is set aside.

W.P.A 30592 of 2017 is disposed of by directing the competent authority to refer the dispute raised by the petitioners to the authority contemplated under Section 3H(4) of the said Act within the period of four weeks from the date of communication of this order.

There shall be no order as to costs.

Since no affidavit-in-opposition has been invited from the respondents, allegations made in the writ petition are deemed to have been denied by the said respondents.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)