

12.03.2021
(S/L-14)
Ct.-18
(P. Jana)

(Via Video Conference)

W.P.A. 11695 of 2020

Khosh Mohammad Seikh
-Vs-
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
..... For the Petitioner.

Mr. Chandi Charan De, Adl. G.P.
Mr. Haripada Maity,
..... For the State.

Affidavit of service filed in Court today be
kept with the record.

The petitioner is claiming that he is the
owner of the 50 decimals of land out of total 2.33
acres of land comprised in R.S. Dag No. 442
corresponding to LR Dag No. 568 under Mouza :
Mira, J.L. No. 004.

The said land was acquired by the Govt. in
LA Case No. 3A/NH/10-11. The petitioner raised
a dispute regarding apportionment of the
awarded sum. The Additional District Magistrate
being the competent authority under the
National Highways Act, 1956 by the order
impugned dated December 12, 2018 has decided
the said dispute on merit.

In view of Section 3H(4) of the National
Highways Act, 1956 if a dispute with regard to

the apportionment of the amount of award is raised by any person, the dispute has to be referred to the principal Court of Civil jurisdiction within the limits of whose jurisdiction the land is situated.

The order impugned therefore is wholly without jurisdiction and is accordingly set aside.

The said competent authority, the respondent no. 4 herein is directed to refer the dispute to the authority contemplated under the said provision of the said Act.

It is made clear in the dispute to be referred, the question as to whether the subject land has been vested to the State or not shall also be determined.

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

WPA 11695 of 2020 is thus disposed of. No order as to costs.

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

(Biswajit Basu, J.)