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03.02.2021
Mithun

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 692 of 2020

Giren Chandra & Ors.
-versus-
State of West Bengal & Ors.

Mr. Jagriti Mishra, Adv.
Mr. Subham Gupta, Adv,

...For the Petitioners.

Mr.Subir Kumar Saha, Adv,
Mr.Momenur Rahman, Adv.

...for the State Respondents.

Ms.Supriya Singh, Adv.

...for respondent No.5, N.H.A.I.

The lands of the petitioners were acquired for the purpose of the construction of the National Highway.

It is submitted by the learned Advocate for the petitioners that the land was acquired by the Special Land Acquisition Officer under the provision of Land Acquisition Act for the purpose of construction of National Highway. Therefore, the petitioners are entitled to get compensation under the provision of the National Highways Act, 1956.

The grievance of the petitioners is that they have not been paid any compensation till date though their lands were acquired.

It is submitted on behalf of the respondent No.5, the National Highways Authority of India that the land was not acquired by respondent No.5 but it was acquired by Public Works Department, State of West Bengal for the purpose of construction of National

Highways. Therefore, it is presumed that the Public Works Department, Government of West Bengal occupied as Acquiring Agency on behalf of the National Highways Authority of India.

Be that as it may, the petitioners submitted representation on 28th January, 2020 before the respondent No.2 for payment of compensation to them. The same representation has not been disposed of as yet by the respondent No.2. Considering the case of the petitioners and submission made by the learned Advocate for the State of West Bengal and the National Highways Authority, this Court directs respondent Nos.2 and 3 to treat the instant writ petition along with its annexure as representation of the petitioners and the above-named respondents are directed to dispose of the writ petition in accordance with law within three weeks from the date of receipt of the copy of the writ petition.

The instant writ petition is, thus, disposed of on contest without any costs.

(Bibek Chaudhuri, J.)