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16.02.2022
Ct. No.10
b.das

W.P.A. 1848 of 2022

(Via Video Conference)

Omprakash Kumar
Vs.
Union of India & Ors.

Mr. Arindam Das
Ms. R. Sakar

...for the petitioner.

Mr. Chandi Charan De
Ms. R. Rahaman

...for the State.

Affidavit of service filed on behalf of the petitioner is kept with the record.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that copy of the writ petition along with annexures has been served upon the National Highways Authority of India.

None appears on behalf of the National Highways Authority of India despite service.

It is submitted on behalf of the petitioner that the plot in question owned by the petitioner was acquired by the National Highways Authority of India for extension of National Highway-32. The land is still in possession of the petitioner. No notice of award under Section 30 of the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013 has been served upon the petitioner till date. The competent authority served notice under Section 23 of the Act of 2013 declaring the amount of compensation payable to the petitioner and requiring the petitioner to collect the said amount but the said notice is bereft of any detail with regard to the measurement of the land sought to be acquired or the like.

The petitioner submitted a representation in this regard before the concerned authority seeking supply of copy of the award under Section 3G (1) of the National Highways Act, 1956, for application of Schedule I, II and III of the provisions of the Act of 2013 and for providing an opportunity of hearing before the authority on 17th January, 2022, which is yet to be disposed of. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the 7th respondent to consider and dispose of the representation submitted by the petitioner dated 17th January, 2022 within a period of two weeks from the date of communication of this order, after affording reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereafter.

With the above observations and directions this writ petition being WPA 1848 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)