

06.04.2022
rc/ct.no.10
Item No.09

WPA No. 2322 of 2020
Shibu Pal
Versus
Union of India & Ors.

Mr. Arindam Das
Mrs. Rumeli Sarkarfor the petitioner

Mrs. Manika Roy ...for the NHAI

Mr. Chandi Charan De
Mr. Soumitra Bandyopadhyay
Mr. S. Bandyopadhyay ...for the State

Heard learned counsels appearing on behalf of the parties.

In the subsequent report submitted by the Special Land Acquisition Officer, Nadia today, it is indicated that the earlier Form -13 may be accepted by the Court for payment of compensation to the petitioner. The report further reveals that Form - 13 was issued by the Department as per the old manual and it was detected thereafter that the National Highways Manual is applicable in this case. The report of the Special Land Acquisition Officer, Nadia submitted by the learned counsel appearing on behalf of the State-respondents is taken on record.

Placing reliance on the judgment of the Hon'ble Supreme Court in the case of **Naresh Kumar & Ors.** Vs. **Government (NCT of Delhi)** reported in **(2019)9 SCC 416**, learned counsel appearing on behalf of the petitioner submits that the power of review of an award can be exercised only when the statute provides for the same. In

the case in hand, in absence of any such provision of law, the authority could not have passed a second award in favour of the petitioner, reducing the amount of compensation.

It is submitted by the learned counsel appearing on behalf of the National Highway Authority of India that this judgment pertains to the Land Acquisition Act, 1894 and the National Highways Act, 1956 has its own procedure for grant of award.

Be that as it may, in view of the contention of the State-respondents in the report submitted by them today this Court is inclined to hold that the representation submitted by the petitioner before the authority on September 08, 2017 be considered by the authority in terms of the report submitted by them this day.

Accordingly, this writ petition is disposed of directing the 7th respondent to consider and dispose of the representation submitted by the petitioner dated September 08, 2017 within a period of two months from the date of communication of this order in terms of the report submitted by them today, after giving reasonable opportunity of hearing 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 thereof.

With the above observations and directions this writ petition being WPA No. 2322 of 2020 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)