

04.07.2022
rc/ct.no.10
Item No.24

WPA No. 3588 of 2022

Mr. S. Sanyal ...for the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyobrata Batabyalfor the State

Mrs. Monika Roy ..for the NHAI

The petitioner is aggrieved by the compensation granted to him by the concerned authority in lieu of acquisition of his land vide LA Case No. 44/M/3/LA/NHAI/Santi/18-19. The petitioner filed an application under Section 3G(5) of the National Highways Act, 1956 (in short, "the Act") before the concerned authority which is yet to be considered. The petitioner prays for direction upon the authority to consider and dispose of the said application at the earliest.

Upon consideration of the submission made by the learned counsel appearing on behalf of the parties and the material on record the writ petition is disposed of directing the 4th respondent to consider and dispose of the application filed by the petitioner which was received by the authority on 15.02.2021 within two months 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 thereof.

It is made clear that this Court has not gone into the merits of the case and the petitioner shall be at liberty to place its contention as made out in the petition at the time of hearing.

With the above observations and directions this writ petition 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)