

February 22, 2023

ARDR
(58)

WPA 7652 of 2021

Selim Sk. @ Selim Rahaman
Vs.
The State of West Bengal & Ors.

Adv. Abhimanya Banerjee,
Adv. Arnab Saha,

...for the petitioner.

Adv. Manika Roy,
Adv. S.A. Munshi,

...for the NHAI.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

No report in the form of affidavit has been filed by
the State respondents.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioner that the plot of land owned by the petitioner was acquired by the State respondents, but no compensation was assessed for the structures of the petitioner standing thereon. The petitioner submitted several representations before the concerned authority in this regard which fell on deaf ears. The petitioner seeks to submit a comprehensive representation before the concerned authority and prays for a direction upon the authority to consider the representation at the earliest.

The contention of the petitioner is denied and disputed by the respondents. It is submitted on behalf of the respondents that since the structure in the plot in

question was built after publication of the notification under Section 3A of the National Highways Act, 1956, valuation of the structures has not been assessed.

Per contra, learned counsel for the petitioner produces copy of the sanctioned plan of the building standing on the plot in question which indicates that the plan was sanctioned in 2008, i.e., much prior to publication of the notification.

It is not in dispute that the compensation offered to the petitioner for the land in question was not accepted by the petitioner since such compensation did not include the structures.

Be that as it may, since the petitioner seeks to submit a comprehensive representation before the concerned authority along with all relevant documents to substantiate his claim, the petitioner be granted liberty to submit such representation before the 3rd respondent within two weeks from date. The 3rd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

In the event the petitioner is found to entitled the compensation with regard to the structures standing on

the plot in question along with the land, such compensation be disbursed in favour of the petitioner within six weeks thereafter.

With the aforesaid directions, the writ petition, being WPA 7652 of 2021 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.)