

04
25.11.2022
Ct. No.10
b.das

WPA 8824 of 2018

Solomon Biswas
Vs.
The State of W.B. & Ors.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal ...for the petitioner.

Mr. Ayan Banerjee
Ms. D. Dhamali ...for the State.

Mr. Dipankar Das ...for NHAI.

Status report submitted on behalf of the State respondents is taken on record.

Heard learned counsels for the parties.

Being aggrieved by the compensation granted to the petitioner in lieu of acquisition of his land, the petitioner filed an application under Section 3G (5) of the National Highways Act, 1956 before the concerned authority for enhancement of the said compensation. The petitioner complains that the said application was not received by the authority, far less taken up for consideration.

It is submitted on behalf of the respondents that the concerned authority being the 2nd respondent herein, be directed to accept the application and deal with it in accordance with law.

Report submitted by the State respondents also reveals that no assessment was made by the learned

Arbitrator with regard to the structures standing in the plot of the petitioner.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit the application under Section 3G(5) of the Act of 1956 before the 2nd respondent within two weeks from date. The 2nd respondent is directed to accept the application and consider the same within two months from the date of receipt thereof upon 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 the writ petition being WPA 8824 of 2018 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.)