

March 4, 2022
ARDR
(13)

WPA 10775 of 2018

Astarul Haque & anr.
Vs.
Union of India & Ors.

Mr. Chitta Ranjan Chakraborty,
Mr. Dip Jyoti Chakraborty,

...for the petitioners.

Ms. Manika Roy,

...for the NHAI.

Mr. Chandi Charan De,
Mr. Anirban Sarkar,

...for the State.

It is submitted on behalf of the petitioners that the land in question belonging to the first petitioner and the second petitioner, since deceased, was acquired by the National Highways Authority of India and notification under Section 3A of the National Highways Act, 1956 was issued on 26th August, 2010. Being aggrieved by the compensation granted to the petitioners under Section 3G-(1) of the Act of 1956, the petitioners approached the learned Arbitrator under Section 3G(5) of the Act and the petitioner received a copy of the arbitral award in reply to an application under Right to Information Act, 2005 only on 22nd August, 2017. Referring to orders of this Court passed on 26th August, 2019 and 23rd September, 2019, learned counsel for the petitioners submits that the nine per cent interest which was decided by the Arbitrator amounting to Rs.87,109/- was not handed up to the petitioners. Also, the market value of the land in question

as on the date of notification under Section 3A of the Act is required under Section 3G-7(a) of the Act was not determined by the authority. The petitioner has prayed for direction upon the authority to disburse the additional compensation taking into account the market value of the land in terms of Section 3G-7 of the Act of 1956 and interest at the rate of nine per cent thereon.

It is submitted on behalf of the NHAI that the arbitral award was deposited with the competent authority by a cheque dated 22nd March, 2017.

Upon consideration of the submissions made on behalf of the parties, this Court is of the view that interest of justice shall be sub-served by a direction to the fourth respondent who is the competent authority being the Additional District Magistrate (Land Acquisition) to disburse the amount of additional award decided by the learned Arbitrator in terms of the award as well as the observations made by this Court hereinabove.

With the above observations and directions, WPA 10775 of 2018 is disposed of. However, there shall be no order as to costs.

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

(Suvra Ghosh, J.)