

WPA 16707 of 2022

Bhagirath Pramanik
Vs.
Union of India & Ors.

Mr. Sankar Nath Mukherjee
Mr. Niraj Gupta ...for the petitioner.

Mr. Gausul Alam
Mr. Ranjit Rajak ...for the State.

Ms. Manika Roy
Mr. S. A. Munshi ...for NHAI.

Heard learned counsels for the parties.

The petitioner is aggrieved by the award granted to him under Section 3G (1) of the National Highways Act, 1956 on the ground that the said award has not been determined in terms of Section 29/30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The petitioner seeks to submit an application under Section 3G (5) of the Act of 1956 before the competent authority being the 5th respondent herein and prays for a direction upon the said authority to deal with the matter in accordance with law within a stipulated time frame.

It is submitted on behalf of the respondents that it is not known whether an Arbitrator has been appointed in respect of the Mouza which is subject matter of the writ petition.

Learned counsel for the National Highway Authority of India seeks to take instructions in this matter.

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 5th respondent within two weeks from date. The 5th respondent is directed to take necessary steps for disposal of the said application by way of an arbitration in accordance with Section 3G(5) of the Act of 1956 within three 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.

In the event no Arbitrator has yet been appointed for the Mouza in question, the authority may appoint such Arbitrator, who shall take up the matter for consideration in accordance with law within the stipulated time frame stated above. Therefore, no further instruction appears to be necessary to be taken from the concerned authority.

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

With the above observations and directions the writ petition being WPA 16707 of 2022 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.)