

03.01.2022
rc/ct.no.10
Item No.33

WPA No. 17595 of 2021
Md. Sarif Hossen
Versus
State of West Bengal & Ors.

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

Mrs. Monika Roy ...for the NHAI

Mr. Ansar Mandal ...for the State

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is in possession of the room situated on the disputed plot of land as a tenant under the recorded owner. The grievance of the petitioner is that the said plot of land has been acquired by the State-respondents for expansion of national highway. The petitioner submitted a representation before the authority for adequate compensation as well as for rehabilitation but the said representation is yet to be considered. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted by the learned counsel appearing on behalf of the National Highway Authority of India (in short, “NHAI”) that the land in question has been utilised by the authority and the authority has deposited the entire compensation amount with the State-respondents in terms of Section 3H(1) of the National Highways Act.

Upon considering the submission made by the learned counsels appearing on behalf of the parties and material on record, the writ petition is disposed of directing the respondent no. 3 to consider and dispose of the representations submitted by the petitioner dated February 22, 2010 and November 22, 2019 (Annexure P6 and P7 to the writ petition) within a period of two months from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested parties including the petitioner, in accordance with law.

With the above observations and directions this writ petition being WPA No. 17595 of 2021 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)