

22.06.2022
rc/ct.no.10
Item No.09

WPA No. 18711 of 2021
Sri Prithish Ranjan Gayen
Versus
State of West Bengal & Ors.

Mr. Supratik Shyamal	
Mr. Dilip Kumar Shyamal	
Mr. Rajarshi Mitra	...for the petitioner
Mr. Ayan Bnerjee	for the State
Mrs. Monika Roy	... for the NHAI

Supplementary affidavit filed by the petitioner is taken on record.

It is contended on behalf of the petitioner that the petitioner was in possession of a shop room situated in the property in question, admittedly belonging to the PWD. For construction of a high level bridge on the river Hatania Doania, possession of the plot has been taken by the concerned authority and construction of the bridge has been completed upon removal of the structures therein. The petitioner was informed that certain amount was sanctioned by the authority for compensation and rehabilitation of the occupiers of the plot.

Taking this Court to the documents annexed to the supplementary affidavit filed by the petitioner, learned counsel for the petitioner submits that in terms of the meeting held by the authority on 13.08.2014, certain amount of compensation was decided to be disbursed to

the encroachers for shifting and temporary rehabilitation purpose. The petitioner intends to submit a comprehensive representation before the concerned authority in this regard and prays for a direction upon the authority to consider the said representation at the earliest.

It is submitted by the learned counsel appearing on behalf of the State-respondents that such representation may be directed to be considered by the Special Land Acquisition Officer, South 24 Parganas, the 3rd respondent herein.

It is submitted by the learned counsel appearing on behalf of the National Highway Authority of India (in short, “NHAI”) that the NHAI has no role to play herein as the construction has neither been developed or maintained by the NHAI.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 3rd respondent ventilating his grievance within one week from date. The 3rd respondent is directed to consider and dispose of the representation within a month from the date of receipt of the same after affording reasonable opportunity of hearing to all interested parties including the petitioner, in accordance with law.

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

With the above observations and directions this writ petition 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)