

WPA 19386 of 2021

Khosh Mohammad Seikh
Vs.
State of W.B. & Ors.

Ms. Pampa Dey (Dhabal) ...for the petitioner.

Mr. Chandi Charan De
Mr. H. Maity ...for the State.

Heard learned counsels for the parties.

The primary grievance of the petitioner is that the order passed by a co-ordinate Bench of this Court on 12th March, 2021 in WPA 11695 of 2020 has not been complied with by the State respondents.

It is submitted on behalf of the petitioner that the petitioner is the recorded owner of 50 decimals of land in R.S. Dag No.442 corresponding to LR Dag No.568 under Mouza-Mira, J.L. No.004 comprising a total area of 2.33 acres.

The said land was acquired vide L.A. Case No.3A/NH/10-11 and the petitioner raised dispute with regard to apportionment of the compensation payable to the petitioner.

The Court directed the competent authority to refer the dispute to the principal Court of Civil jurisdiction within the limits of which the plot in question is situated, under Section 3H (4) of the National Highways Act, 1956.

The petitioner submits that the said order has not been complied with as yet.

Learned counsel for the State respondents submits that a direction may be given to the competent authority to refer the matter under Section 3H (4) of the Act of 1956.

In view of the same, the writ petition is disposed of directing the 4th respondent to refer the matter to the principal Court of Civil jurisdiction within the limits of which the plot in question is situated, under Section 3H(4) of the Act of 1956 within two weeks from the date of communication of this order.

In terms of the earlier order dated 12th March, 2021, upon reference of the dispute, the question as to whether the subject land has been vested to the State, shall also be determined.

With the above observations and directions this writ petition being WPA 19386 of 2021 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.)