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13.04.2022
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W.P.A. 17906 of 2018
(Haripada Biswas & Anr. vs. State of West Bengal & Ors.)

Mr. Kanai Lal Dutta
.... For the Petitioners

Ms. Monika Roy
.... For the NHAI

None appears for the State respondents.

It is not in dispute that one Akash Moni tree was mistakenly felled in the land belonging to the petitioners by the 4th respondent. Several applications filed by the petitioners seeking compensation were not heeded to for which the petitioners filed a writ petition before this Court being W.P. 4751(W) of 2015. By an order dated 10th March, 2015 a co-ordinate Bench of this Court disposed of the writ petition directing the concerned Divisional Forest Officer to consider the claim of the petitioners relating to loss caused by felling of the tree and in the event the petitioners were not willing to accept any alternative tree, to make necessary arrangement for compensation to the petitioners for the loss caused by felling of the tree. Such exercise was

directed to be completed within a period of 8 weeks from the date of communication of that order.

It is submitted on behalf of the petitioners that despite such direction, no step was taken by the Authority for payment of such compensation. The petitioners filed further representation before the Authority on 24th July, 2018 pursuant to which a date of hearing was fixed by the Authority on 2nd August, 2018. The petitioners submit that nothing further was done by the Authority after such date.

Learned counsel for the National Highways Authority of India candidly submits that the Authority may be directed to dispose of the representation in terms of the order passed in the earlier writ petition. Learned counsel further submits that the National Highways Authority of India has no liability to pay any compensation to the petitioners and has, therefore, no role to play in the present matter.

Having considered the submissions made on behalf of the parties and material on record, this Court is of the view that the 4th respondent should be directed to comply with the directions of this Court passed in the earlier writ petition in dealing with the representation

submitted by the petitioners within stipulated time frame.

Accordingly, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioners dated 24th July, 2018 in terms of the order of this Court passed on 10th March, 2015 in W.P. 4751(W) of 2015 within one month from the date of communication of this order after giving reasonable opportunity of hearing to the petitioners, in accordance with law.

With the aforesaid observations and directions, W.P.A. 17906 of 2018 is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)