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29.04.2022
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W.P.A. 20771 of 2021
(Sampa Som & Anr. vs. Union of India & Ors.)

Mr. Amit Pan
Ms. Tanusri Santra
.... For the Petitioners

Mr. Sirsanya Bandyopadhyay
.... For the Competent Authority
Ms. Monika Roy
.... For the NHAI

The petitioners are recorded owners of the plot in question. For the purpose of extension of widening of 6-lane in respect of NH-2 from Panagarh to Palsit, a proceeding was initiated under the National Highways Act, 1956 being L.A. Case No. 17 (NH-19)/2021 which was subsequently renumbered as L.A. Case No. 20(NH-19)/21-22 and notification under Section 3A of the Act of 1956 was published on 26th June, 2020. The predecessor-in-interest of the petitioners filed an objection against such notification under Section 3C(1) of the Act of 1956 requesting the competent Authority to reconsider the proposal for land acquisition.

It is submitted on behalf of the petitioners that the date of hearing of such objection was fixed on 1st

October, 2021 and on the said date the predecessor-in-interest of the petitioners submitted further objection before the competent Authority. Both the objections are still pending. Despite pendency of such objections before the competent Authority, notification under Section 3 D (1) of the Act of 1956 was published following which a further notification under Section 3G of the Act of 1956 was also published on 12th December, 2021.

The petitioners have prayed for direction upon the Authority to dispose of the objections filed on behalf of the petitioners under Section 3 C (1) of the Act and also for not giving any effect to the notifications under Sections 3 D and 3 G of the Act prior to disposal of the same.

It is submitted on behalf of the National Highways Authority of India that the competent Authority may be directed to dispose of the objections before proceeding with the land acquisition any further.

Learned counsel appearing for the competent Authority submits that the first objection filed by the petitioners have been disposed of by the Authority on 1st October, 2021.

Learned counsel hands up a copy of the order dated 1st October, 2021 passed by the competent Authority in support of his contention which is taken on record.

Learned counsel for the petitioners seeks liberty to submit a comprehensive representation in this regard before the competent Authority and prays for direction upon the Authority to consider the same at the earliest.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the concerned Authority being the 2nd respondent herein, ventilating their grievances within seven days from date. The 2nd respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof after giving reasonable opportunity of hearing to all the interested parties including the petitioners, in accordance with law. The decision taken by the competent Authority shall be communicated to the petitioners within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the petitioners shall be at liberty to place their contentions as made out in the writ petition before the Authority at the time of hearing.

With the aforesaid observations and directions, W.P.A. 20771 of 2021 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.)