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13.04.2022
Ct. No.02
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HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction

WPA 556 of 2022

Liton Ghosh.
Vs.
The National Highway Authority of India & ors.

Mr. Deborshi Dhar
Mr. Shreyash Marodia

...for the petitioner

Mr. Supriya Singh

...for the N.H.A.I

Mr. Hirak Barman
Ms. Bedashruti Bose
...for the State

This is an application praying for a direction upon the respondents to pay adequate compensation for acquisition of land belonging to the petitioner.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of a land that was acquired by the National Highway Authority of India. However, this was done without granting any compensation to the petitioner.

It is pertinent to mention that the land in question was purchased by the petitioner before the acquisition was given effect to. The petitioner made a representation in this regard before the respondent no.4 for considering his case. However, no response has been forthcoming in respect of the said representation.

Learned counsel appearing on behalf of the State-respondents files a report and submits as follows. The petitioner had purportedly purchased the land in question after the acquisition was effected. Therefore, the petitioner is not entitled to any compensation. However, if the petitioner has made a representation before the respondent no.4, the same can be considered in accordance with law.

Learned counsel appearing on behalf of the respondent no.1 disputes the contentions of the petitioner regarding the purchase of land and an entitlement to compensation.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the revision petition.

It appears that the petitioner has already made a representation before the respondent no.4.

Considering the divergent stands taken by the adverse parties, it appears that the representation needs to be considered by the respondent no.4.

In view of the above and in the interest of justice, I direct the respondent no.4 to consider the representation of the petitioner dated 03.01.2022 in accordance with law within a period of six weeks from the date of communication of this order and after giving a hearing to the petitioner in this regard.

With these observations, the application is disposed of.

Since no affidavit is called for, the allegations are not admitted.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)