

05 & 06
24.03.2023
Ct. No.10
b.das

WPA 1205 of 2017
+
CAN 2 of 2020 (Old CAN 597 of 2020)
With
WPA 1204 of 2017
+
CAN 5316 of 2017
+
CAN 2 of 2019 (Old CAN 3057 of 2019)
+
CAN 3 of 2019 (Old CAN 5059 of 2020)
+
CAN 4 of 2020 (Old CAN 598 of 2020)

Mr. D. K. Sengupta
Ms. Jaya Datta
Ms. S. Saha ...for the petitioners.

Mr. Dipankar Das ...for NHAI.

Mr. Ansar Mandal
Ms. Srilekha Bhattacharya
...for the State in WPA 1205 of 2017.

In Re: **CAN 5316 of 2017** in **WPA 1204 of 2017**

By consent of the parties, the application being CAN 5316 of 2017 is treated as on day's list.

This is an application for restoration of the writ of habeas corpus by petition by setting aside the order passed on 14th February, 2019.

Sufficient grounds being made out, the application being CAN 5316 of 2017 is allowed. The order passed on 14th February, 2019 is set aside.

The writ petition is restored to its original file and number.

Accordingly, CAN 5316 of 2017 is disposed of.

In Re: **WPA 1205 of 2017**
With
WPA 1204 of 2017

Heard learned counsels for the parties.

The order impugned passed by the competent authority under the National Highways Act, 1956 and Additional District Magistrate (LA) North 24 Parganas, Barasat on 23rd November, 2015 is assailed in the writ petitions.

The petitioners claim to be the tenants in respect of shop rooms situated in the plots in question which are sought to be acquired by the State respondents by a notification dated 4th December, 2009.

The petitioners have been granted compensation to the tune of 10 per cent of the value of the structure in terms of Section 3G(2) of the Act of 1956 subject to possession being handed over by the petitioners free from all encumbrances.

It is submitted on behalf of the petitioners that the petitioners are extremely poor persons who eke out their livelihood from the shop rooms in the plots in question.

The petitioners seek to submit a fresh representation before the concerned authority requesting enhancement of the compensation decided in their favour and allotment of alternative plots so that they can resume their business therein.

It is submitted on behalf of the respondents that the 6th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petitions are disposed of with liberty to the petitioners to submit a fresh representation before the 6th respondent within 10 days from date. The 6th respondent is directed to consider and dispose of the representation within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the representation submitted by the petitioners independently upon hearing the petitioners.

The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

With the above observations and directions the writ petitions being WPA 1205 of 2017 along with WPA 1204 of 2017 are disposed of.

Accordingly, all pending applications in both the writ petitions are 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.)