

26.04.2023
rc/ct.no.10
Item No.26

WPA No. 2266 of 2023
Asit Kumar Patra & Anr.
Versus
Union of India & Ors.

Mr. Partha Pratim Roy	
Mr. Sougata Mitra	
Mrs. Ankita Dey	for the petitioners
Mr. Chandi Charan De	...for the State
Mrs. Monika Roy	for the NHAI

Affidavit of service filed in Court today is taken on record.

On the prayer of the petitioners leave is granted to implead the Commissioner, Pashim Medinipur Division, Keranitala, Hospital Road, Post Office- Paschim Medinipur, District - Paschim Medinipur, learned Arbitrator as respondent no. 9 in this writ petition.

The cause title of this writ petition be amended accordingly.

None appears on behalf of the State-respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State-respondent and is present in Court today, is requested to represent the State-respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioners are directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

Heard learned counsels appearing on behalf of the parties.

The petitioners are aggrieved by the compensation granted to him for acquisition of his land by the respondents and has submitted an application under Section 3G(5) of the National Highways Act, 1956 (hereinafter referred to as "the Act of 1956") before the learned Arbitrator on 9th December, 2022. The said application is yet to be considered.

The petitioners pray for a direction upon the concerned authority to consider the said application at the earliest.

It is submitted on behalf of the State-respondents that the 9th respondent be directed to consider the application in accordance with law.

In view of the above, the writ petition is disposed of directing the 9th respondent to consider and dispose of the said application submitted by the petitioners on 9th December, 2023 within a period of two months from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected persons including the petitioners, in accordance with law.

It is needless to mention that the decision taken by the authority shall be communicated to the petitioners within a week thereafter.

It is made clear that this Court has not gone into the merits of this case and the concerned authority is at liberty to deal with the matter independently in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)