

19.04.2023
rc/ct.no.10
Item No.17

WPA No. 3353 of 2023
Phlari Chandra Mahato & Ors.
Vs.
Union of India & Ors.

Mr. Partha Pratim Ray
Mr. Sougata Mitra
Mrs. Ankita Dey
Mr. Subhadeep Maitra
Mr. Rameswar Sinha ...for the Petitioners

Mr. Chandi Charan De
Mrs. Chandana Ghosh ...for the State

Mrs. Monika Roy ...for the NHAi

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

On the prayer of the petitioners leave is granted to add The Commissioner, Paschim Medinipur Division, Keranitola, Hospital Road, P.O.- Paschim Medinipur, District - Paschim Medinipur, learned Arbitrator as respondent no. 9 in the writ petition.

The cause title of the writ petition be amended accordingly.

Being aggrieved by the compensation granted to the petitioners for acquisition of their land by the respondents, the petitioners submitted an application under Section 3G(5) of the National Highways Act, 1956 (hereinafter referred to as "the Act of 1956") on 9th December, 2022 (hereinafter referred to as "the said application") before the competent authority which is yet to be considered. The

petitioners pray for consideration of the said application by the concerned authority at the earliest.

It is submitted on behalf of the respondents that the 9th respondent be directed to consider the said 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 filed by the petitioners on 9th December, 2022 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.

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)