

19 to 24
17.01.2023
Ct. No.10
b.das

WPA 2746 of 2018

Utpal Dey Vs. The State of W.B. & Ors.
With

WPA 2748 of 2018

Shyamal Ghosh Vs. The State of W.B. & Ors.
With

WPA 2749 of 2018

Sudin Ghosh Vs. The State of W.B. & Ors.
With

WPA 2751 of 2018

Raghuranjan Saha Vs. The State of W.B. & Ors.
With

WPA 2752 of 2018

Ila Biswas Vs. The State of W.B. & Ors.
With

WPA 2756 of 2018

Nitai Biswas Vs. The State of W.B. & Ors.

Mr. Partha Pratim Roy
Ms. P. Chakraborty
Mr. W. R. Sardar ...for the petitioners.

Ms. Manika Roy
Mr. S. A. Munshi ...for NHAI.

Md. T. M. Siddiqui
Mr. D. Ghosh ...for the State in
WPA 2746 of 2018.

Mr. Chandi Charan De
Mr. Haripada Maity ...for the State in
WPA 2752 of 2018 &
WPA 2756 of 2018.

Heard learned counsels for the parties.

It is not in dispute that in lieu of acquisition of the land belonging to the petitioners, compensation was paid by the concerned authority for the land as well as structure thereon.

Being dissatisfied with the amount of compensation granted for the land, the petitioners submitted an application under Section 3G (5) of the National Highways Act, 1956 and in an arbitral proceeding the said amount was enhanced by the learned Arbitrator and paid to the petitioners along with other awardees, who joined the arbitral proceeding.

The petitioners are aggrieved by the fact that though they are also aggrieved by the quantum of compensation granted to them for the structure standing thereon and approached the authority with an application under Section 3G(5) of the Act of 1956 for reconsideration of the said amount, the said application was neither accepted by the authority, far less considered.

Per contra, it is submitted on behalf of the State respondents that the arbitral award passed on 6th July, 2017 demonstrates that the structure standing on the land in question was duly taken into consideration by the learned Arbitrator who refused to enhance the compensation paid for the same on an observation that the amount paid for the structures was quite handsome and more than sufficient for the awardees to get similar structure/building.

In reply, learned counsel for the petitioners submits that no reference with regard to the structures in question was made to the Arbitrator and any observation made by

the Arbitrator in this regard cannot be taken into consideration.

The petitioners are unable to produce any document to demonstrate that an application made by them under Section 3G(5) of the Act of 1956 for reconsideration of the compensation amount for the structures standing on the land in question was attempted to be submitted before the authority or refused or to be accepted by the latter.

The arbitral award passed on 6th July, 2017 clearly demonstrates that re-assessment of compensation with regard to the structures standing on the land in question was dealt with by the learned Arbitrator upon submission made by several awardees and such submission was turned down by the learned Arbitrator by a reasoned order.

Since both the land and structures standing thereon were taken into consideration by the learned Arbitrator under Section 3G(5) of the Act of 1956, the prayers made by the writ petitioners are devoid of any merit and have too weak a leg to stand upon.

In the event the petitioners are aggrieved by the observation made by the learned Arbitrator in the award, they are at liberty to approach the appropriate forum for redressal of their grievance.

With the above observations these writ petitions are dismissed.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petitions 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.)