

21.06.2023
rc/ct.no.10
Item No.13

WPA No. 4972 of 2023
Debasish Dey & Ors.
Versus
The Union of India & Ors.

Mr. Arindam Banerjee	
Mr. Sheswat Nayak	
Mr. Rishav Dutt	...for the petitioners
Mr. Supratim Dhar	...for the State
Mrs. Monika Roy	for the NHAI
Mr. Amarendra Chakraborty	...for the UOI

Heard learned counsels appearing on behalf of the parties.

It is contended on behalf of the petitioners that the State-respondents acquired a portion of the land belonging to him vide a LA Case No. 16(NH 19) 2020-21 and the petitioners received compensation for the same on protest. The petitioners allege that in extending the stretch of the national highway, the National Highway Authority of India (in short, “NHAI”) has utilised a stretch of land measuring 118 ft./22.6 ft. in excess of the land acquired. The petitioners pray for a direction upon the concerned authority to acquire the said stretch of land and pay compensation to the petitioners for the same.

It appears from the report in the form of affidavit submitted by the NHAI that on a joint survey done by the State authorities, it was found that an area of 160 sq. ft. x

12.8 sq. ft. is outside the alignment of present NH 19. In other words, the said stretch of land has been admittedly utilised in excess of what was acquired.

Since the contention of the petitioners has in substance been admitted by the respondents, the concerned authority, being the 3rd respondent herein, shall initiate a proposal for acquisition of the excess stretch of land within one month from date. The 5th respondent is directed to take necessary steps for acquisition of the land and payment of compensation to the petitioners within one month from the date of receipt of the proposal.

The entire exercise is expected to be completed within two months from initiation of the proceedings.

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)