

WPA 5904 of 2022
Buddheswar Kumar & Anr.
Vs.
Union of India & Ors.

Mr. Arindam Das
Ms. Priyanka Kundu ...for the petitioners.

Ms. Manika Roy ...for NHAI.

Mr. Subrata Bhattacharjee
Mr. Shipra Santra ...for respondent no.4.

Heard learned counsels for the parties.

None appears for the State respondents. No accommodation is sought.

The petitioners are primarily aggrieved by the award served upon them under Section 3G(1) of the National Highways Act, 1956 on the ground that the said award does not include the components of Section 3G(7) of the Act.

A plain reading of the award reveals that the components of Section 3G(7) of the Act have not been included in the award.

Learned counsel for the National Highways Authority of India submits that the entire amount of compensation including 100% solatium and additional compensation at the rate of 12% under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the entire Mouza has been deposited before the competent authority.

Learned counsel for the National Highways Authority of India does not intend to submit further report as sought.

Since it is evident from the award under Section 3G(1) of the Act of 1956 that the components under Section 3G(7) have not been included therein, the said award needs to be set aside.

The award under Section 3G(1) of the Act of 1956 passed on 14th December, 2021 is set aside.

In view of the above, the writ petition is disposed of directing the competent authority, being the 7th respondent herein, to assess the award afresh under Section 3G(1) of the Act of 1956 upon taking into consideration the components of Section 3G(7) of the Act and upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law. The entire exercise is expected to be completed within three months from the date of communication of this order.

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

With the above instructions and observations the writ petition being WPA 5904 of 2022 is 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.)