

WPA 7554 of 2017

Amarendra Nath Mondal
Vs.
Union of India & Ors.

Mr. Arindam Das	...for the petitioner.
Mr. Dipankar Das	...for NHAI.
Mr. Chandi Charan De	
Mr. Sanjib Dutta	...for the State.

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

On prayer of the petitioner liberty is granted to implead the Divisional Commissioner, Malda, learned Arbitrator as respondent No.8 in the writ petition. The cause title of the writ petition be amended accordingly.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that his land was acquired by the State respondents at the instance of the National Highways Authority of India and compensation received by the petitioner for the same is neither adequate nor sufficient. Compensation was paid to the petitioner after coming into effect of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner claims compensation in terms of the said Act.

The petitioner also submits that copy of the award under Section 3G(1) of the National Highways Act, 1956 has not been served upon him.

The petitioner submitted a representation for enhancement of compensation before the concerned authority on 9th January, 2017 which is yet to be considered. The petitioner prays for a direction upon the concerned authority to treat the application as one under Section 3G(5) of the Act of 1956 and dispose of the same at the earliest.

It is submitted on behalf of the National Highways Authority of India that the entire amount of compensation was deposited by them before the State respondents prior to 1st January, 2015 and as such, the petitioner is not entitled to compensation under the Act of 2013.

It is submitted on behalf of the State respondents that the 8th respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 8th respondent to consider the representation submitted by the petitioner dated 9th January, 2017 as an application under Section 3G(5) of the Act of 1956 and dispose of the same within a period of two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within two weeks thereafter.

With the above observations and directions this writ petition being WPA 7554 of 2017 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.)