

August 22, 2023
(9) ARDR

WPA 11752 of 2022

Angsuman Kundu
Vs.
The Union of India & ors.

Adv. Arindam Das,
Adv. Kaustumi Hazari,

...for the petitioner.

Adv. Manika Roy,

...for the NHAI.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

The petitioner is aggrieved by the compensation granted to him under Section 3G(1) of the National Highways Act, 1956 and has filed an application before the learned Arbitrator on 6th May, 2022 for consideration of enhancement of the compensation. The said application is yet to be considered. The petitioner prays for a direction upon the 6th respondent to consider the application in accordance with law.

Upon consideration of submission made on behalf of the parties, the writ petition is disposed of directing the 6th respondent to consider the application submitted by the petitioner dated 6th May, 2022 and pass a reasoned order within 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 one month thereafter.

It is made clear that this Court has not gone into the merit of the case and the learned Arbitrator shall be at liberty to deal with the application of the petitioner independently, in accordance with law.

With the aforesaid directions, the writ petition, being WPA 11752 of 2022 is disposed of.

There shall however, 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)