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jdt.

18.01.2023
jb.

W.P.A. 22830 of 2017
(Margina Bibi & Anr. vs. Project Director, NHAI & Ors.)

Mr. Saibal Acharya
Mr. Bidyut Baran Biswas
Mr. Pradip Paul

.... For the Petitioners

Mr. Susovan Sengupta
Mr. Manas Kr. Sadhun

.... For the State

Mr. Dipankar Das

.... For the NHAI

Heard learned counsels for the parties.

The petitioners claim to be recorded owners of the plot in question which was acquired by the National Highways Authority of India for the purpose of extension of the existing National Highway No. 34. The petitioners complain that the compensation for the structures standing on the said plot was not granted to the petitioners by the concerned authority. The petitioners seek to file an application under Section 3G(5) of the National Highways Act, 1956 before the concerned authority for consideration of compensation with regard to structures standing on the plot in question.

It is submitted on behalf of the National Highways Authority of India that the petitioners be granted liberty to file an application under Section 3G(5) of the Act of

1956 before the learned Arbitrator which shall be considered by the learned Arbitrator, in accordance with law.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of with liberty to the petitioners to submit an application under Section 3G(5) of the Act of 1956 before the learned Arbitrator within one month from date. The learned Arbitrator is directed to deal with the said application in accordance with the Arbitration and Conciliation Act, 1996 as well as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and dispose of the application within six months from the date of communication of this order upon affording reasonable opportunity to all the interested persons including the petitioners. The copy of the arbitration award shall be communicated to the petitioners within one month thereafter.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)