

22.12.2023
rc/ct.no.10
Item No.SL-02

WPA No. 28021 of 2023
Basanti Bhaumik
Versus
The Union of India & Ors.

Mr. Biswaroop Bhattacharjee
Mr. Subhasis Chakraborty
Mr. Apurba Ghosh
Mr. Parijat Das
Ms. Susmita Kumari Singh ...for the petitioner

Ms. Manika Roy
Ms. Shinjita Ray ...for the NHAI

Mr. Tapan Bhanja ...for the UOI

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

Affidavit of service filed in Court is taken on record.

Heard learned counsel for the parties.

The petitioner is aggrieved with the compensation paid to him for acquisition of his land by the National Highways Authority of India.

Learned counsel for the petitioner submits that the authority is proceeding to demolish the structures standing on the said plot. Admittedly the petitioner has received the awarded sum declared by the authority under Section 3G(1) of the National Highways Act, 1956 (hereinafter referred to as "the Act of 1956"). The petitioner seeks to file an application under Section 3G(5) of the Act of 1956 seeking enhancement of the compensation and prays for a direction upon the authority to consider the application at the earliest.

Learned counsel for the respondents submits that the 6th respondent be directed to consider the application in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive application under Section 3G(5) of the Act of 1956 before the 6th respondent within one week from date. The 6th respondent is directed to consider and dispose of the application within two weeks from the date of receipt thereof after affording reasonable opportunity of hearing to all concerned including the petitioner/authorised representative of the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner/authorised representative of the petitioner within a week thereof.

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)