

19.12.2023
rc/ct.no.10
Item No.14

WPA No. 11540 of 2020
Swapam Samanta & Ors.
Versus
State of West Bengal & Ors.

Mr. Partha Pratim Roy
Mr. Arindam Das ...for the petitioners

Mrs. Manika Roy
Mr. Sabyasachi Roy ...for the NHAI

Mr. Monish Sen
Ms. Oisani Mukherjee ...for the private respondent

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswasfor the State

The petitioners and the private respondents claim to be the co-sharers in respect of the plot in question. Admittedly the plot has been acquired by the National Highway Authority of India and compensation paid to the private respondents for the same.

Learned counsel for the private respondents submits that the plot was amicably settled between the parties long ago and the private respondents were in possession of the plot since then for which compensation was paid to them.

The contention of the private respondents is denied and disputed by the petitioners. The petitioners have submitted an application under Section 3H(4) of the National Highways Act, 1956 (hereinafter referred to as "the Act of 1956") before the concerned authority for apportionment of compensation upon referring the matter to the learned District Judge, Paschim Burdwan. The

application is yet to be considered. The petitioners pray for a direction upon the authority to consider the application and refer the same to the learned District Judge, Paschim Burdwan under Section 3H(4) of the Act of 1956.

Learned counsel for the State respondents submits that the 3rd respondent be directed to consider the application in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the application under Section 3H(4) of the Act of 1956 submitted by the petitioners on June 15, 2020 within a period of one month from the date of communication of this order, in accordance with law.

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)