

21
01.03.2023
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 354 of 2023

**Madhu Das
-versus
The State of West Bengal & Ors.**

**Mr. Subhasish Misra,
Mr. Swarup Das.
...For the Petitioner.**

**Mr. Hirak Barman,
Mr. Pretom Das.
...For the State.**

**Ms. Supriya Singh.
...For the NHAI.**

Affidavit-of-service filed in Court today is taken on record.

The grievance of the petitioner is that his land has been acquired for construction of highway without payment of any compensation.

Reliance has been placed upon a communication dated 13th May, 2022 of the Special Land Acquisition Officer, Coochbehar requesting the petitioner to remain present at the time of joint field enquiry to be conducted on 17th May, 2022.

Learned advocate appearing for the petitioner submits that as per the aforesaid request, the petitioner was present at the time of field enquiry. The dwelling

house of the petitioner may be demolished very soon as the project is continuing at a fast pace.

Learned advocate appearing for the State respondents is yet to receive instruction in the matter.

Without proper instruction from the respondents, it is not possible for the Court to decide the issue conclusively.

In view of the above, the instant writ petition is disposed of by directing the District Magistrate and Collector, Coochbehar to take steps to consider the grievance of the petitioner for payment of compensation as highlighted in his representation dated 20th January, 2023.

An opportunity of hearing shall be given to the petitioner and necessary consequential steps shall be taken if it is found that the petitioner will be entitled to the compensation as sought for.

A decision shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the notice dated 13th May, 2022 and the representation filed by him on 20th January, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)