

Sl No. 30
02.03.2023.
SB-II
AGM

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

WPA 356 of 2023

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

Mr. Deborshi Dhar,
... For the petitioner.
Ms. Supriya Singh,
... for the NHAI.

Mr. Subir Kumar Saha, AGP
Mr. Momenur Rahaman, ... For the State.

The land of the petitioner has been acquired under the National Highways Act, 1956 sometime in 2011-12.

The Special Land Acquisition Officer, Cooch Behar requested the petitioner to appear for a hearing on 02.01.2023 by issuing notice bearing Memo No. LA/1354 (24) dated 23.12.2022.

The petitioner submits that he attended the hearing on 02.01.2023 and made submissions in support of payment of compensation.

The petitioner alleges that no compensation has been paid till date on account of acquisition of his land.

Representations filed seeking compensation is pending consideration.

Learned advocate representing the National Highways Authority submits, upon instruction that, the possession of the land of the petitioner has already been taken and the same has been utilized for construction of the national highway.

Learned advocate representing the Land Acquisition Authority is yet to receive instruction.

As it appears that notice was issued in favour of the petitioner requested him to appear for a hearing and the petitioner duly attended the said hearing and keeping in view that his land has been acquired for construction of highway, accordingly, the petitioner will be entitled to receive compensation for the same.

The prayer of the petitioner seeking compensation is pending consideration.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 3 being the Special Land Acquisition Officer, Cooch Behar, being the competent authority under the National Highways Act, 1956 to consider the prayer of the petitioner for grant of compensation in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the representation served in the office of the respondent authority on 19.01.2023 along with all documents in support of his prayer to the aforesaid respondent at the time of communication of the order of the Court.

WPA No. 356 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)