

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

WPA 913 of 2023

Santan Roy
-versus
Union of India & Ors.

Mr. Nabankur Paul
...For the Petitioner.

Mr. Sudipto Kumar Mazumdar
Mr. Sourab Kar
.. For the Union of India.

Ms. Supriya Singh
... For NHAI

Mr. Hirak Barman
Mr. Pritom Das
...For the State.

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

The petitioner says that his land measuring about 0.18 acre situate and lying at RS plot no. 537/1172 recorded in RS khatian no. 727, under mouza – Patkata, sheet no. 20, JL no.5 within the jurisdiction of Kotwali Police Station, District- Jalpaiguri (hereinafter referred to as the said land) has been acquired by the State, being the acquiring authority at the instance of the National Highways Authority of India (NHAI). The petitioner had received a notice under Section 3C of the National Highways Act, 1956 (hereinafter referred to as the 1956 Act). The petitioner duly appeared on the date

and time but nothing thereafter has been made known to the petitioner.

On behalf of NHAI, it is submitted that the entire compensation in respect of Patkata has been deposited with the competent authority for being disbursed to the land losers. The NHAI has, therefor, no further obligation with regard to the payment of compensation to the petitioner. It is for the respondent no.2, being the Competent Authority under 1956 Act and the respondent no.3, being the District Magistrate, Jalpaiguri, (wrongly typed as respondent no.4), to take necessary steps for disbursement of the compensation if any payable to the petitioner.

On behalf of the respondent nos. 2 and 3 it is submitted that there is no specific instruction as to the stage of the petitioner's case. However, if directed, the said respondents shall look into the matter and inform the petitioner about the stage of his case.

Considering the submissions made by the parties and the materials on record, I find that justice will be sub-served if I direct the respondent no.2, being the Special Land Acquisition Officer and Competent Authority under the National Highways Act, 1956 and the District Magistrate, Jalpaiguri, being the respondent no.3 (wrongly typed as respondent no.4) to inform the petitioner about the present stage of his compensation proceedings within a period of three months from date.

In the event, it is found that the petitioner is entitled to compensation in accordance with the provisions of law and NHAI has paid the compensation for disbursement and there is no impediment to pay, expeditious steps should be taken for disbursement of the petitioner's compensation, if any, in accordance with law.

The writ petition is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Arindam Mukherjee, J.)