

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

WPA 1050 of 2023

**Abinash Sutradhar
-versus-
The State of West Bengal and Ors.**

Mr. Subinay Dey
Mr. Debanjan Das
... for the petitioner

Mr. Supriya Singh
... for the NHAI

Mr. Hirak Barman
Mr. Momenur Rahman
... for the State

Counsel for the respective parties are present.

The petitioner has filed the present writ application praying for a direction upon the respondent authorities for release of compensation with respect of the land acquired by the National Highway Authority of India for National Highway 31-D project.

In terms of the order passed by this Court, the authorities have submitted the report on 4th May, 2023 wherein it is mentioned that vide Gazette Notification no. 1065 dated 14th May, 2013, 0.09 acres of land of plot no.4698 is acquired and in this Gazette

Notification, name of Akhil Sutradhar is inscribed against this plot number.

Counsel for the petitioner submits that though the respondents have admitted that the authorities have acquired the land measuring an area of 0.09 acres but the compensation was released only with respect of 0.06 acres.

Learned counsel for the respondent authorities submits that as per the Khatian, 0.06 acres of the land is recorded in the name of the petitioner and accordingly, the compensation was released in favour of the brother of the petitioner, namely, Akhil Sutradhar and no compensation has been released with regard to the remaining area of 0.03 acres as the land is not recorded in the name of the petitioner.

It is found from the record that the authorities have issued notice on 07.07.2022 directing all the persons mentioned in the said notice to appear before the Special Land Acquisition Officer, Cooch Behar but it is submitted on behalf of the authorities all the petitioners whose names are mentioned in the said notice are not appearing and as such, the said Land Acquisition Officer is not in a position to dispose of the Land Acquisition Proceeding.

Considered the rival submission of the respective parties. Perused the materials available on record.

The petitioner is directed to appear before the Special Land Acquisition Officer, Cooch Behar along with others whose names are appearing in the notice dated 07.07.2022 and if all the persons appear before the Special Land Acquisition Officer, the Special Land Acquisition Officer shall dispose of the acquisition proceeding within a period of six weeks from the date of appearance of all the parties before the Land Acquisition Officer.

It is made clear that within six weeks if all the persons as mentioned in the notice dated 07.07.2022 will not appear before the Special Land Acquisition Officer, the Special Land Acquisition Officer, Cooch Behar is directed to refer the matter before the Civil Court for appropriate adjudication.

WPA No. 1050 of 2023 is thus disposed of.

(Krishna Rao, J.)