

25.04.2024

Ct. no.654

Sl. No.11

sn

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 926 of 2024

Sahajahan Shaikh & Ors.
Vs.
Union of India & ors.

Mr. Ivan Roy
Mr. Nirupam Dutta
... for the petitioners
Ms. Manika Roy
..for the NHAI
Mr. Souvik Nandy
Mr. Tirthankar Achjariya
..for the U.O.I.
Mr. Chandi Charan De
Mr. Anirban Sarkar
..for the State

On the prayer of the petitioners, leave is granted to add the Additional District Magistrate and the Competent Authority under the National Highways Act, 1956 at Nadia, as added respondent no.11.

Mr. Ivan Roy, learned advocate for the petitioners submits that by dint of gazette notification dated 2nd April, 2019, the land of the petitioners comprised within plot nos. 2061/6070, 2004/6062, 2052, 1999, 2059, 2055 and 2058 under mouza Gobindapur, J.L. No. 28, Police Station Kaliganj, District Nadia were notified for acquisition. However, since such notification no such proceeding has been initiated for grant of compensation in favour of the petitioners. The petitioners filed a representation before the concerned authorities for redressal of their grievance vide order dated 26th December, 2023, however, the same has not been

considered. He seeks for appropriate direction upon the competent authority for consideration of the representation of the petitioners.

Both the learned advocates appearing on behalf of the State-respondents as well as the respondent-NHAI submit that the competent authority, be directed to consider the representation of the petitioners dated 26th December, 2023.

Having heard the learned advocates for the respective parties, the Additional District Magistrate and the Competent Authority under the National Highways Act, 1956 at Nadia, being the added respondent no.11 is directed to consider and dispose of the representation of the petitioners dated 26th December, 2023 within a period of three months from the date of communication of this order upon giving opportunity of hearing to all concerned including the petitioners, by passing a reasoned order in accordance with law.

The result of such disposal be communicated to the petitioners within a week thereof.

Learned advocate-on-record for the petitioners is directed to communicate this order to the Additional District Magistrate and the Competent Authority under the National Highways Act, 1956 at Purulia, being the added respondent no.11.

It is made clear that this Court has not gone into the merits of the case and all points are kept open for consideration by the respective authority.

With the above directions, this writ petition being **WPA 926 of 2024** stands disposed of along with all connected applications, if any.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)