

22.11.2024
Ct. No.39
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 2559 of 2023
(Specially Assigned)**

**Shankari Prasad Tripathy
-Vs-
The Union of India & Ors.**

Mr. Arindam Das
Ms. Ananya Chakraborty
... for the petitioner

Ms. Manika Roy
Ms. Ankita Choudhury
... for the N.H.A.I.

Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar
... for the State-respondents

This writ petition has been filed seeking for compensation under Schedule I, II and III of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as '*the Act of 2013*').

Mr. Arindam Das, learned Advocate for the petitioner submits that although the payment notice was served upon the petitioner, however, the calculation of compensation made under various components was not handed over to the petitioner. He seeks for a direction upon the respondent no.8, the Additional District Magistrate (Land Acquisition) Purulia and Competent Authority, Land Acquisition under National Highways Act,

1956 to hand over a copy of the award containing the components under which the compensation has been calculated and for a direction upon the respondent no.6, the Divisional Commissioner, Medinipur Division and Arbitrator appointed as per the National Highways Act, 1956 to consider the petitioner's application dated 16th December, 2022 as per Section 3G(5) of the National Highways Act, 1956.

Mr. Anirban Sarkar, learned Advocate representing the State-respondents submits that in the writ petition the petitioner has admitted that copy of the award has been handed over to him. The petitioner has also made an application before the Arbitrator challenging the award. Therefore, the question of further handing over copy of the award does not arise at all. He also indicates that there is no such prayer in the writ petition to such effect.

Ms. Manika Roy, learned Advocate for the respondent nos.2, 4 and 5-NHAI also submits in the similar fashion.

Upon going through the materials placed before this Court it is found that the petitioner has been given settlement notice under Section 23 of the Act of 2013 wherein the calculated amount of compensation of Rs.1,75,12,319/- in respect of Plot No. 231, Mouza-Dulmi, Purulia under Section 3G(1) of the National Highways Act, 1956 has been stated. However, such notice does not contain the components of calculation of compensation.

Accordingly, the writ petition being **WPA 2559 of 2023** is disposed of directing the respondent no.8, the Additional District Magistrate (Land Acquisition) Purulia and Competent Authority, Land Acquisition under National Highways Act, 1956 to hand over copy of the award to the petitioner containing the details and components under which the compensation has been calculated. Further, the respondent no.6, the Divisional Commissioner, Medinipur Division and Arbitrator appointed as per the National Highways Act, 1956 is directed to consider the application dated 16th December, 2022 filed by the petitioner and dispose of the same, in accordance with law.

All connected applications, if any, stand disposed of.

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.**)