

22.05.2024

Ct. no.654

Sl. No.250

ss

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

W.P.A. 2647 of 2023
(specially assigned)

Khoka Singh Sardar
Vs.
Union of India & ors.

Mr. Sankar Nath Mukherjee

Mr. Niraj Gupta

... for the petitioner

Mr. Benazir Ahmed

... for the State

Mr. Amal Kumar Datta

... for the Union of India

Ms. Manika Roy

... for the N.H.A.I.

By the present writ petition the petitioner has prayed for consideration of his representation dated 6th December, 2022.

The petitioner's case in nutshell is that he is a permanent resident and running a tea shop within Mouza Malti, J.L. No.78, Police Station Balarampur in Dag Nos.3042, 3024, 3077, 3071 and 3181 by constructing permanent residential house/building and shop. The petitioner was served with a notice under Section 3G of the National Highways Act. 1956 vide notice dated 23rd November, 2019 asking the petitioner to appear on 17th December, 2019 at 11.30 a.m. with all relevant papers before the office of the District Magistrate, Purulia. Pursuant to such notice the writ petitioner appeared for

hearing and submitted necessary documents. However, in respect of such hearing the compensation was not disbursed in favour of the petitioner. Accordingly, on 6th December, 2022 the petitioner made a representation before the competent authority for releasing of compensation in his favour. Since no steps were taken for releasing of compensation the petitioner preferred the present writ petition.

Mr. Sankar Nath Mukherjee, learned Advocate for the petitioner submits that the petitioner has made an innocuous prayer for consideration of his representation dated 6th December, 2022 for release of compensation in his favour since hearing on 17th February, 2022 the release of compensation has been kept pending by the Competent Authority. He seeks for appropriate direction for consideration of the representation of the petitioner by the Competent Authority.

In reply to the contention raised on behalf of the petitioner, Mr. Benazir Ahmed, learned Advocate for the State-respondent submits that the petitioner has no right, title and interest over the land-in-question. On field enquiry no structure was found. Accordingly, there is no scope for consideration of the representation of the petitioner for releasing of compensation in his favour.

Ms. Monika Roy, learned Advocate for the respondent-NHAI also submits in the similar fashion.

Admittedly, it is found that the writ petitioner has no right, title and interest in respect of plots-in-question. The report of the State also reveals that there is no interest of the petitioner in respect to the aforesaid land. Save and except producing a tax receipt, there is no other document in support of any right of the petitioner over the subject land. Accordingly, the writ petition falls short of merit.

In light of the above discussion, the writ petition being **WPA 2647 of 2023** stands dismissed.

All connected applications, if any, stand dismissed.

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.)