

04.01.2024

Ct. no.654

Sl. No.34

sn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 2865 of 2023

**Emadatul Haque
Vs.
Union of India & Ors.**

Mr. Arindam Das

Ms. Sudipa Mandi

..for the petitioner

Mr. Soumitra Bandyopadhyay

Mr. Aniruddha Sen

..for the State

Ms. Manika Roy

Ms. Shinjita Roy

..for NHAI

Affidavit of service filed by the petitioner is taken on record.

This is an application under Article 226 of the Constitution of India filed by the petitioner praying for consideration of the representation dated 3rd November, 2022 along with other prayers.

Mr. Arindam Das, learned advocate for the petitioner submits that the petitioner by virtue of purchase, the petitioner became the owner of the land in question in the year 2015. Certain portion of land of the petitioner was acquired by National Highways Authority for extension of NH-34, however, no compensation was paid. The petitioner made a representation for grant of compensation but the same has not been disposed of by the competent authority. He seeks for disposal of the

representation made of the petitioner by the competent authority.

Ms. Monika Roy, learned advocate for the NHAI also submits that the representation of the petitioner may be disposed of after giving an opportunity of hearing to all concerned parties.

Mr. Aniruddha Sen, learned advocate for the State respondents also concedes to such submission.

Upon hearing the learned advocates for respective parties and considering the materials on record, the District Magistrate (Land Acquisition Collector), Barasat, North 24 Parganas, being the respondent no.6, is directed to consider and dispose of the representation submitted by the petitioner on 3rd November, 2022 within a period of two months from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties including the petitioner in accordance with law. The decision taken by the authorities shall be communicated to the petitioner within a week thereof.

The learned advocate on record for the petitioner is directed to communicate this order along with a copy of the representation of the petitioner to the respondent no.6.

Since no affidavit has been invited, allegation contained in the writ petition shall be deemed not to have been admitted.

It is made clear that the Court has not gone into the merits of the case and the parties shall be at liberty to place their respective contentions before the competent authority at the time of hearing.

With the above directions, this writ petition being **WPA 2865 of 2023** stands disposed of along with all connected applications, if any.

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

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.)