

22.02.2024
rc/ct.no.10
Item No.38

WPA No. 4860 of 2021
Nirmal Kumar Paul
Versus
The Union of India & Ors.

Mr. Amit Kumar Pan
Ms. Tanusri Santra ...for the petitioner

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State

Ms. Monika Roy
Mr. S. Roy ...for the NHAI

Mr. Madhu Jana
Mr. Golam Zaky ...for the UOI

Heard learned counsels for the parties.

It is not in dispute that a portion of the land of the petitioner was acquired and compensation paid to the petitioner for the same. Upon service of notice under Section 3E of the National Highways Act, 1956, possession of the acquired portion of the land measuring 1.35 decimals out of 2 decimals was delivered by the petitioner in favour of the authority. The petitioner is still in possession of an area measuring .65 decimals. The petitioner complains that Block Land and Land Reforms Officer, Chakdah along with his team came to the portion of the plot owned by the petitioner on January 21, 2021 and started conducting measurement work without service of notice to the petitioner. In reply a letter sent by the petitioner to the Competent Authority and Additional District Magistrate (Land Acquisition) Nadia on January

29, 2021, the petitioner was informed that the matter had no relation with the petitioner's land and therefore no notice of hearing was served upon the petitioner.

The report in the form of affidavit submitted by the 3rd respondent demonstrates that there is no dispute with regard to the acquired land and measurement was done in respect of a portion of plot no. 271 which belongs to a co-owner. Such measurement has nothing to do with the portion of the plot owned and occupied by the petitioner.

In view of the above, nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of.

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

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)