

09.12.2024

Ct. No.39

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

**WPA 7072 of 2023  
(Specially Assigned)**

**Sri Pradip Mondal & ors.  
-Vs-  
The State of West Bengal & Ors.**

Mr. Dyutiman Banerjee  
Mr. Samrat Chakraborty

... for the petitioners

Mr. Soumitra Bandopadhyay  
Mr. Subhasis Bandopadhyay

... for the State-respondents

Ms. Manika Roy  
Ms. Ankita Chowdhury  
Mr. Atanu Sur

... for the respondent-NHAI

Affidavit of service filed on behalf of the petitioners  
is taken on record.

Mr. Dyutiman Banerjee, learned Advocate for the  
petitioners undertakes to deposit the requisite court fees,  
in accordance with law.

This writ petition has been filed seeking direction  
upon respondent-authorities to assess compensation in  
respect of the acquisition of land of the petitioners in  
terms of order dated 16<sup>th</sup> November, 2022 passed by the  
Arbitrator under the National Highways Act, 1956 in  
connection with L.A. Case No.(48 of 56)/01 of 2015-16.

Mr. Dyutiman Banerjee, learned Advocate for the  
petitioners submits that by order dated 16<sup>th</sup> November,

2022 the Arbitrator directed the competent authority, South 24-Parganas to take steps for reviewing the compensation to be paid to the petitioners within a period of twelve weeks from the date of communication of the order. The said order of the learned Arbitrator under the National Highways Act, 1956 was communicated to the District Magistrate (Competent Authority) on 2<sup>nd</sup> January, 2023. However, till date the compensation has not been assessed in terms of the order of the learned Arbitrator. He seeks for appropriate order.

Both the learned Advocates for the State-respondents as well as the respondent no.5-NHAI submit that a direction be issued upon the Competent Authority for assessment of compensation in terms of order of the learned Arbitrator within a stipulated period.

By order dated 16<sup>th</sup> November, 2022 following direction was issued by the learned Arbitrator under National Highways Act, 1956 :

*“Accordingly, after taking into consideration the afore mentioned proposition of law & the entire factual matrix of the case, the Competent Authority, South 24-parganas is directed to take steps for reviewing the compensation to be paid to the petitioners by assessing the amount of compensation as per provision of section 26 read with section 28 of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of 12(twelve) weeks from the date of communication of the order.”*

It is found from the writ petition that despite service of copy of the order the assessment of compensation has not yet been made in terms of order of the learned Arbitrator dated 16<sup>th</sup> November, 2022.

In view of the above, the respondent no.3, the Additional District Magistrate (Land Acquisition), 24-Parganas (South) and the Competent Authority under National Highways Act, 1956, is directed to assess compensation to be paid to the petitioners in terms of order of the learned Arbitrator dated 16<sup>th</sup> November, 2022 in respect of L.A. Case No.(48 of 56)/01 of 2015-16 pertaining to the petitioners within a period of three months from the date of communication of this order.

Learned Advocate for the petitioners is directed to communicate this order to respondent no.3, the Additional District Magistrate (Land Acquisition) and the Competent Authority under National Highways Act, 1956.

Since no affidavit has been called for the allegations made in the writ petition are deemed to be not admitted.

It is made clear that this Court does not go into the merits of this case.

With the above observations, the writ petition being **WPA 7072 of 2023** is disposed of.

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.**)