

08
01.02.2024
Ct. No.10
b.das

WPA 5750 of 2018

Nandakishor Das & Anr.
Vs.
The State of W.B. & Ors.

Mr. Rajendra Banerjee ...for the petitioners.

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal ...for the State.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that the petitioners received compensation on 3rd December, 2015 in lieu of acquisition of their land.

Learned counsel for the petitioners has taken this Court to notification issued by the General Manager (Land Acquisition), National Highways Authority of India on 3rd February, 2016 which states that if award of compensation under Section 3G of the National Highways Act, 1956 was declared by CALA on or before 31st December, 2014 but compensation in respect of majority of the land area notified in the relevant 3A notification was not deposited in the accounts of the beneficiaries on or before 31st December, 2014, then all the beneficiaries should be entitled to compensation in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Learned counsel submits that the petitioners are entitled to compensation in terms of the 2013 Act in view of such notification.

The petitioners submitted an application before the concerned authority on 19th December, 2013 for enhancement of the compensation amount, which is yet to be considered. The petitioners pray for a direction upon the authority to consider the application at the earliest.

It is submitted on behalf of the State respondents that the petitioners ought to have taken recourse to Section 3G(5) of the National Highways Act, 1956 for enhancement of compensation.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since an application submitted by the petitioners is pending before the authority, the said application be treated as one under Section 3G(5) of the National Highways Act, 1956.

The concerned authority, being the 4th respondent herein, is directed to refer the application to the learned Arbitrator for consideration and disposal of the same upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law. The entire exercise should be completed within three months from the date of communication of this order.

With the above observations and directions the writ petition is disposed of.

There shall, however, be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)