

16.12.2024

Item No. 13

Crt.No.02

b.r.

WPA 8337 of 2024

M/s. Dubrajpur Auto Centre (Indian Oil) Ors.

-vs-

The Union of India & Ors.

Mr. Arindam Das

.... For the petitioners.

Mr. Ayan Banerjee

Mr. Amrita Lal Chatterjee

.....for the State.

Mr. Rajen Dutta

.... For the Resp. no.1.

Mr. Subrata Bhattacharya

Mr. Subhas Roy

Ms. Shipra Santra

.... For the Resp. no.7.

Ms. Monika Roy

Ms. Ankita Chowdhury

Mr. Atanu Sur

.... For the NHAI.

Affidavit of service filed in Court today, is taken on record.

Mr. Arindam Das, learned advocate appears for the petitioners.

Mr. Ayan Banerjee, learned State counsel, appears for the respondent nos. 4, 6, 8 and 9.

Mr. Subrata Bhattacharya, learned counsel appears for the respondent no.7.

Ms. Monika Roy, learned counsel, appears for the respondent no.5.

Mr. Rajen Dutta, learned advocate appears for the respondent no.1.

The petitioners submit that portion of their land wherefrom they are carrying out their Petrol Pump business has been acquired and utilized by the respondent no.9 under the provision of the **National Highways Act, 1956**. The petitioners submitted their objection with regard to the acquisition when petitioners were heard but till date, the petitioners has not been served with copy of the order of the objection proceeding. Subsequently, the petitioners came to know that an Award has been published determining the compensation on account of the acquisition of petitioners' land. No copy of the Award has also been furnished to the petitioners.

In view of the above, the respondent no.8 positively within a period of **two weeks** from the date of communication of this order shall serve a copy of the Award to the petitioners. The petitioners shall also be at liberty to collect the same within the said period from the office of the respondent no.8.

The respondent no.9 then after ascertaining whether any other interested parties are there on the same plot of land which has been acquired shall pay the said Awarded compensation to the petitioners and other interested parties, if any, in accordance with law

positively within a period of **six weeks** from the date of supplying the copy of the Award to the petitioners and other interested parties, if any, without prejudice to the their rights and contentions.

The petitioners and the other interested parties, if any, are aggrieved with the determination of the said compensation they shall be at liberty to initiate appropriate proceeding in terms of **Sub-Section (5) and (6) to Section 3G of the National Highways Act, 1956**, within a period of **four weeks** from the date of receiving such amount.

In the event, such proceeding is initiated, the appropriate authority/arbitrator shall come to its logical conclusion in accordance with law as expeditiously as possible.

Ms. Monika Roy, learned counsel appearing for the respondent no.5 submits that, National Highway Authority is no way connected on the issue involved in this writ petition and they have no liability to make any payment whatsoever to the petitioners. The entire liability is of respondent no.9.

Accordingly, this writ petition, **WPA 8337 of 2024** stands **dismissed** as against the National Highway Authority/respondent no.5 and this order shall be binding upon rest of the respondents.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)