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jdt. 09.02.2024
jb.

W.P.A. 17270 of 2023
(Sufiya Begum @ Sofiya Begum vs. Union of India & Ors.)

Mr. Satyendra Agarwal
Mr. Bijoy Bag
Mr. Gautam Malik
Ms. Tumpa Ruidas
.... For the Petitioner
Ms. Susmita Saha Dutta
.... For the Union of India
Ms. Monika Roy
.... For the NHAI

On prayer of the petitioner the Special Land Acquisition Officer (General), Howrah be impleaded as respondent no. 5 in the writ petition.

The cause title of the writ petition be amended accordingly.

None appears for the State respondents despite service.

Mr. Priyabrata Batabyal who is present in Court and usually appears for the State is requested to represent the State in this matter. The appointment of Mr. Batabyal, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition along with annexure thereto be served upon Mr. Batabyal in course of the day.

Service of further notice upon the added respondent is dispensed with as both the State respondents are represented.

It is contended on behalf of the petitioner that the plot of the petitioner was acquired under the National Highways Act, 1956 sometime in 2009-2010 and on receipt of payment notice issued on 2nd August, 2021 the petitioner received such payment. In reply to an application made by the petitioner under the Right to Information

Act, 2005, the concerned authority being the Special Land Acquisition Officer (General), Howrah informed the petitioner that notification under Section 3A of the Act of 1956 was published on 3rd July, 2019, notification under Section 3D of the Act was published on 10th January, 2020, possession under Section 3E was handed over to the requiring body on 25th November, 2021, award was declared under Section 3G of the Act by the authority on 26th July 2021 and payment made on 26th October, 2021. The petitioner is aggrieved by the quantum of the award since according to her, such award was not assessed in terms of the relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. The petitioner seeks to submit a comprehensive representation before the 5th respondent and prays for a direction upon the 5th respondent to consider the representation at the earliest.

Upon consideration of the submission made on behalf of the parties the writ petition is disposed of with liberty to the writ petitioner to submit a comprehensive representation before 5th respondent within two weeks from date. The 5th respondent is directed to consider and dispose of the representation within six weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

There shall be no order as to costs.

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

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)