

Mr. Srijib Chakraborty,  
Mr. Apurba Ghosh,  
Mr. Anindya Ghosh,  
Ms. Esha Banerjee,  
Ms. Rupsa Sreemani

...for the Petitioners

Mr. Amit Meharia,  
Ms. Paromita Banerji,  
Ms. S. Paul,  
Mr. Sayan Dey,  
Mr. Tamoghna Chattopadhyay

...for Respondent Nos. 1, 2 & 4.

It is not in dispute that the land of the petitioner has been acquired under the National Highways Act, 1956, for development of National Highway-117, by the competent authority.

Being aggrieved with the amount of compensation, the petitioner has approached the Commissioner, Presidency Division for arbitration in terms of Section 3G (5) of the National Highways Act, 1956.

A Co-ordinate Bench of this Court by an order dated December 22, 2023, directed the Arbitrator to consider and dispose of the application in accordance with law by affording a reasonable opportunity of hearing to all concerned including the petitioner/authorised representative of the petitioner within two weeks from the date of the order.

The petitioner, by filing this writ petition, alleges that

despite the claim being filed before the arbitrator, till date, no hearing has been fixed by the arbitrator.

The petitioner submits that she is the owner of the relevant land, which consists of a permanent structure and a number of trees which will be demolished in the acquisition process.

It appears from the award under Section 3G & 3H of the National Highways Act, 1956 dated August 1, 2023, that the competent authority awarded compensation for the land as well as the structure located thereon.

It has been submitted by the learned advocate appearing for the petitioner that the measurement of the structure has not been appropriately done.

The petitioner prays for re-measurement of the structure by appointment of a special officer.

I am of the view that there is no scope to pass such an order in this writ petition. I, however, grant liberty upon the petitioner to approach the arbitrator with a prayer for appointment of a surveyor to measure the structure once again.

If such prayer is made, the same should be disposed of by the arbitrator in accordance with law within a period of one month from the date of filing of such application in accordance with law.

Accordingly, **WPA 18475 of 2024** is disposed of.

Urgent certified *website* copies of this order, if

applied for, be made available to the parties upon compliance with the requisite formalities.

**(Kausik Chanda, J.)**