

11
20.06.2024
KC

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 22322 of 2022

Bikash Modak
Vs.
Union of India & Ors.

Mr. Sankar Nath Mukherjee
Mr. Niraj Gupta
...for the petitioner

Mr. Ashim Kumar Ganguly
Mr. Bellal Shaikh
...for the State

Ms. Manika Roy
...for the NHAI

The grievance of the petitioner is directed against non-furnishing of an award in respect of an acquisition proceeding.

It is submitted on behalf of the petitioner that no copy of the award has been furnished to the petitioner prior to acquisition of his land. It is also submitted on behalf of the petitioner that no award in terms of section 17 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013) has been published till date.

On behalf of the State-respondent, it is submitted that all procedures in accordance with law were duly followed before passing of the award and the entire compensation has also been received

as far back as on October 5, 2018. Thus, there is no scope of passing any relief in favour of the petitioner. The petitioner having received the entire compensation as far back as on October 5, 2018 cannot raise any grievance in respect of the subject acquisition.

In the above facts and circumstances, there is no legal right, which the petitioner can demonstrate which justifies the passing of any order in his favour. Admittedly, the petitioner had received the entire consideration as far back as on October 5, 2018 under the Act of 2013 and is now estopped from resiling from the same. Obviously, this is an attempt to reopen issues which have attained finality. In such circumstances, there is no merit in this petition.

In view of the above, **WPA 22322 of 2022** stands dismissed.

(Ravi Krishan Kapur, J.)