

7 29.7.2024
Sc Ct. no.2

WPA 25961 OF 2022

Sujit Kumar Mahanty & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharya
Mr. Soumik Ganguly.

.....For the Petitioners

Mr. Ansar Mondal
Md. Idrish.

....For the State

Ms. Manika Roy

....For the Respondent
No.5/NHAI

Mr. Soumik Ganguly, learned counsel appearing for the petitioners submits that, the land of the petitioners was acquired long back for construction and expansion of **National Highways 32 and 33**. He submits that, the requiring authority is the National Highways Authority of India and the acquiring authority is the State. After acquisition of the land the Puffed Rice Mill which was being run by the petitioners from the subject land has been dismantled and demolished. The petitioners submit that they have not yet received the compensation for such acquisition of land. The petitioner submitted a representation dated **April 11, 2022, Annexure-P4 at page 17** to the writ petition which has not yet been decided by the respondent no.3.

Mr. Ansar Mondal, learned Additional Government Pleader appearing for the respondent nos. 1 to 4 and 6 submits a report in the form of affidavit affirmed by the respondent no.3. Such report is taken on record. A copy of the report has been served upon the learned counsel for the petitioner in Court today. Learned Additional Government Pleader submits that, the petitioners except the petitioner no.1 since could not produce the supportive evidence and documents regarding their eligibility to receive the claim for such acquisition, no compensation could be paid.

Ms. Manika Roy, learned counsel appearing for the respondent no.5 places a written instruction obtained from his client dated August 28, 2018, the same is taken on record. A copy has been made over to the learned counsel for the petitioners in Court today. She submits that, the total compensation arising out of the said land acquisition proceeding in respect of the subject land is lying deposited with the respondent no.3.

Considering the submissions made on behalf of the parties and considering the materials on record, the respondent no.3 is directed upon issuing a prior notice of hearing to the petitioners and the appropriate authority of the National Highways Authority of India and after giving them an opportunity of hearing shall dispose of the said representation dated **April 11, 2022**, as referred to above by passing a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order. The respondent no.3 then shall communicate the reasoned order to the petitioners and any other appropriate party and/or authority he thinks fit positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners in any manner and the petitioners and the National Highways Authority of India shall be at liberty to urge whatever points they wish to urge in support of their claim by relying upon whatever records and documents they wish to reply upon before the respondent no.3 but the same shall not travel beyond the scope of the said representation dated **April 11, 2022**.

In the event the reasoned order goes in favour of the petitioners, the respondent no.3 and/or any other authority/authorities shall take all necessary and consequential steps to give an immediate effect to the said reasoned order positively within a period of **three weeks** from the date of communication of the said reasoned order to the petitioners.

It is made clear that, this order shall not create any right or equity in favour of the petitioners, if the

petitioners are not eligible to receive their claim strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 25961 of 2022** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)