

Court No. 2
25.11.2024
(Item No. 32)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 26358 of 2024

Sricharan Ghosh & Ors.
VS
The State of West Bengal & Ors.

Mr. Partha Pratim Roy
Ms. Paulami Chakraborty
Mr. Samrat Chakraborty
.... For the petitioners
Mr. Chandi Charan De
Ms. Reshma Chatterjee
.... For the State
Ms. Manika Roy
Ms. Shinjita Roy
Ms. Ankita Chowdhury
Mr. Atanu Sur
.... For NHAI

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

The petitioners complained of that the land of the petitioners has never been acquired for the purpose of construction or extension of the **National Highway 34** but the land of the petitioners is utilized for the purpose of construction and extension of National Highway. Petitioners have not been paid with adequate compensation in accordance with law. Petitioners submitted representation dated **December 28, 2022** at **page 19** to the writ petition through their advocate, the same has not been considered.

Ms. Manika Roy, learned counsel appears for respondent Nos. 5 and 6.

Mr. Chandi Charan De, learned Additional Government Pleader appears for respondent Nos. 1 to 4.

In view of the above, the petitioners shall serve a complete set of writ petition along with a copy of today's order upon the respondent No. 3.

Upon receiving the same the respondent No. 3 shall issue a prior notice of hearing of at least seven days to the petitioner and the respondent No. 6 and then after granting them an opportunity of hearing shall decide the said representation dated **December 28, 2022** 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 **eight weeks** from the date of communication of this order and the reasoned order then shall be communicated to the petitioners and the respondent No. 6 positively within a period of further **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order confirms that the land of the petitioners not being acquired has been utilized by the National Highways Authority, the respondent No. 6 shall take an immediate decision for giving adequate compensation strictly in accordance with law payable to the petitioners.

The entire exercise shall be carried out and completed including payment of compensation after carrying out all the necessary formalities by the respondent No. 6 and the appropriate State authorities positively within a period of **four months** 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 and the petitioners and all other relevant authorities shall produce all the relevant records and documents before the respondent No. 3 and shall be at liberty to urge whatever points they wish to urge.

It is also made clear that, this order shall not create any right or equity in favour of the petitioners, if they do not succeed to their respective claims before the respondent No. 3 strictly in accordance with law.

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

With the above observations and directions, this writ petition, **WPA 26358 of 2024** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)