

May 14, 2024
ARDR (17)

WPA 7072 of 2020
CAN 1 of 2020

Dinabandhu Pal
Vs.
The State of West Bengal & ors.

Adv. Partha Pratim Roy, Adv. Anirban Das, Adv. Poulami Chakraborty.	...for the petitioner.
Adv. Manika Roy,	...for the NHAI.
Adv. Soumitra Bandyopadhyay, Adv. Priyabrata Batabyal,	...for the State.

Report submitted on behalf of the State respondents
is taken on record.

Heard learned counsels for the parties.

The primary grievance of the petitioner is that though
in the award declared by the Arbitrator under Section 3G(5)
of the National Highways Act, 1956, compensation with
regard to the *Viti* class of land was enhanced by the
Arbitrator, the enhanced compensation was not granted to
the petitioner by the State respondents in assessing the
amount payable to the petitioner solely on the ground that
the plot in question is a petrol pump and not a *Viti*.

Learned counsel for the State respondents submits
that since the plot has been recorded as petrol pump in the
R. S. record of rights, the petitioner is not entitled to the
enhanced award granted for *Viti* class of land.

Learned counsel for the National Highways Authority of India takes this Court to the prayer made by the petitioner in the writ application and submits that the prayer for reassessment of compensation amount payable to the petitioner cannot be granted after an award under Section 3G(5) has been declared. Learned counsel further submits that the enhanced compensation has been deposited before the competent authority by the National Highways Authority of India.

It appears from the report in the form of affidavit submitted on behalf of the State respondents that the plot in question has been recorded as *Viti* in the L.R. record of rights which was prevailing at the time of publication of the notification under Section 3A of the Act of 1956. Strangely, the plot has been recorded as petrol pump in the R.S. record of rights and it appears from a letter issued by the Additional District Magistrate (Land Acquisition), Nadia to the Block Land & Land Reforms Officer, Krishnanagar-II on 22nd March, 2024 that the Block Land & Land Reforms Officer has been requested to correct the classification of the plot in question, meaning thereby, that the State admits the plot to be classified as *Viti*.

It is not in dispute that the enhanced compensation in terms of the arbitral award for *Viti* class of land was not granted to the petitioner. In view of the fact that the plot in question is *Viti* and the Arbitrator has enhanced compensation for *Viti* class of land in the award under Section 3G(5) of the Act of 1956, the petitioner is entitled to

the enhanced compensation in terms of the award for the plot in question recorded as *Viti*.

In view of the above, the writ petition is allowed in terms of prayer (A).

The 3rd respondent is directed to assess the enhanced compensation payable to the petitioner in terms of the award under Section 3G(5) of the Act of 1956 dated 14th October, 2015 and disburse the same in favour of the petitioner within two months from the date of communication of this order.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)