

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

35 04.09.2024

WPA 1836 OF 2024

kc Ct. no.2

Yohan Tshering Tasho Lepcha and Ors.

Vs.

The National Highway and Infrastructure
Corporation Ltd. and Ors.

Mr. Ranjan Sharma, Adv.
....for the petitioner

Mr. Hirak Barman, Adv.
Mr. Kumar Shantanu, Adv.
....for the State

Affidavit-of-service is already on record.

The petitioners claiming to be the land
losers whose land said to have been acquired for
construction of national highways being **NH-
717(A)**.

Mr. Hirak Barman, learned advocate being
ably assisted by Mr. Kumar Shantanu, learned
State advocate, appears for respondent nos.1, 2
and 5.

Rest of the respondents including the
National Highway Authority are not represented,
despite notice.

The petitioners contend that though their
land has been acquired and compensation has
also been fixed but the petitioners are not

satisfied with the quantum of compensation, hence they submitted a representation before the Learned Arbitrator dated December 27, 2023, **annexure P-17** at page 78 to the writ petition.

Mr. Ranjan Sharma, learned advocate appearing for the petitioners, submits that till date the Arbitrator has not taken any steps to redress the grievance of the petitioners.

After considering the submissions made on behalf of the parties and upon perusal of the materials-on-record, it appears to this Court that when the land loser is not satisfied with the quantum of compensation fixed by the authority, the remedy lies under **sub-sections (5) and (6) to Section 3(G) of the National Highways Act, 1956** by way of invoking the provisions of the Arbitration and Conciliations Act, 1996.

Hence the writ petition is not maintainable.

In view of the above, this writ petition **WPA/1836/2024** stands dismissed without any order as to costs.

However, it is made clear that this Court has not gone into the merits of the writ petition. The petitioners shall be at liberty to take all the

points while invoking the provisions under the Arbitration Act, 1996 in accordance with law.

It is further made clear that the appropriate authority of the National Highway Authority shall immediately appoint Learned Arbitrator to adjudicate upon the disputes of the petitioners, if not already appointed.

If arbitrator has already been appointed, he/she shall commence the reference forthwith and without any delay and shall conclude the reference in accordance with law as expeditiously as possible and make the award.

(Aniruddha Roy, J.)