

Item No.20
10.06.2024
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1908 of 2023

Dhiraj Roy
VS
The State of West Bengal & Ors.

Mr. Debajit Kundu

...for the Petitioner.

*Mr. Subir Kumar Saha,
Mr. Pretom Das*

...for the State.

1. The petitioner alleges that the National Highways authorities have not paid any compensation for acquisition of his land for construction of NH 31. Initially, the prayer for compensation was rejected by the competent authority. The petitioner approached this Court by filing this writ petition. The petitioner filed a supplementary affidavit relying on some purchase deeds to substantiate his claim. The Court directed reconsideration of the documents annexed to the supplementary affidavit and filing of a report. The report has been filed by the Special Land Acquisition Collector, which indicates that the deeds of the petitioner were considered and the Authority found that a dispute had arisen in terms of Section 3H(4) of the National Highways Act, 1956.

2. The grievance of the petitioner is with regard to non-payment and apportionment of the compensation awarded for alleged acquisition of land, of which the petitioner claims to be an owner. A reasoned order had been passed on January 16, 2024 by the Special Land Acquisition Officer, Jalpaiguri upon considering the documents which the petitioner subsequently relied upon before the High Court.
3. Upon finding the discrepancies between the land records and the deed of purchase of the petitioner, the Special Land Acquisition Officer, Jalpaiguri found that the dispute relates to apportionment of the amount awarded. The award list available before the authority reflected that the petitioner was recorded as the owner against plot no.676 along with two other awardees, namely, Jar Mohan Roy and Barun Roy. The compensation was still undisbursed in respect of the said land.
4. Under such circumstances the Special Land Acquisition Officer, Jalpaiguri referred the matter to the principal civil court under Section 3H(4) of the National Highways Act, 1956.
5. The petitioner is at liberty to contest the matter before the civil court and seek appropriate

directions and orders as per law, including expeditious disposal of the proceeding.

6. This Court has not gone into the merits of the claims of the petitioner. The civil court will decide the entire issue upon hearing all the parties involved with regard to the reference.
7. Accordingly, the writ petition is disposed of.
8. However, there will be no order as to costs.
9. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)