

04.01.2024
Item No.13
gd/ssd

WPA/2884/2023
NARAYAN MALLICK
VS
UNION OF INDIA & ORS.

Mr. Nabankur Paul,
Mr. Abhishek Sarkar
..for the petitioner.
Ms. Supriya Singh,
..for NHA

Affidavit of service filed in Court today be kept
with the record.

In spite of service, none appears for the State
and the 5th Respondent.

Mr. Hirak Barman, learned advocate who
usually represents the State and is present in Court
today is requested to appear in the matter.

Let the appointment of Mr. Barman be
regularized.

The learned advocate for the petitioner is
directed to serve copy of this writ petition upon Mr.
Barman in course of this day.

The petitioner claims to be the heir of one
Harendra Mullick who was the owner of LR Plot nos.
2139 and 2140 within Mouza Baroghoria, JL No. 88
under Dhupguri in the district of Jalpaiguri.

Mr. Paul, learned advocate for the petitioner submits that the aforesaid plot of lands had been acquired for the purpose of widening of the National Highway but no compensation money has been paid to the petitioner who acquired right, title and interest in respect of the aforesaid plots by virtue of inheritance.

Mr. Paul further submits that the petitioner has applied before the Special Land Acquisition Officer being the competent Authority vide letters dated 16th March, 2023 and 29th November, 2023 raising a dispute as to whom the compensation amount is to be paid.

Mr. Paul submits that in spite of such representation being made the competent Authority is sitting tight over the matter and is taking steps for disbursing the entire compensation money to the private respondent.

Section 3H (4) of the National Highways Act, 1956 provides that if any dispute arises as to apportionment of the amount or any part thereof or any person to whom the same or any part thereof is payable, the competent Authority shall refer the dispute to the decision of the Principal Civil Court of Original Jurisdiction within the limits of whose jurisdiction the land is situated.

Since the petitioner has raised a dispute in terms of Section 3H(4) of the 1956 Act, the competent Authority is obliged to take steps in accordance with the provisions of Section 3H(4).

In view thereof, this Court directs the Special Land Acquisition Officer being the third respondent as competent Authority to take steps in accordance with the provisions laid down under Section 3H(4) of the 1956 Act on the basis of the representations dated 16th March, 2023 and 29th November, 2023 within a period of four weeks from the date of receipt of a server copy of this order.

In the event, the compensation amount in respect of the aforesaid plots of land has not yet been disbursed, the concerned Authority shall release the same only after adjudication of the dispute.

With the above observations, WPA 2884 of 2023 stands disposed of.

(HIRANMAY BHATTACHARYYA, J.)