

S/L 6  
02.09.2025  
Court. No. 19  
*Suwayan*

**WPA 1205 of 2023**

**Sri Shantimoy Ghosh  
Vs.  
State of West Bengal & Ors.**

*Mr. Partha Pratim Roy  
Mr. Samrat Chakraborty*

*...for the petitioner.*

*Mr. Soumitra Bandyopadhyay  
Mr. Aniruddha Sen*

*...for the State.*

*Ms. Manika Roy  
Ms. Ankita Chowdhury  
Mr. Atanu Sur*

*...for N.H.A.I.*

1. The writ petitioner, respondents/State and the National Highway Authority and its instrumentalities are represented by the respective Counsels.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 4/authority commanding him to take appropriate steps to enhance the compensation as payable to the writ petitioner on account of acquisition of land of the writ petitioner particulars of which has been mentioned in paragraph no. 2 of the instant writ petition.
3. At the time of hearing, Mr. Chakraborty, learned Advocate duly led by Mr. Partha Pratim Roy, learned Advocate for the writ petitioner draws attention of this Court to page no. 15 of the instant writ petition being a copy of the conversion certificate of the year 2015 issued by the jurisdictional BL&LRO. It is submitted

by Mr. Chakraborty on an application made by the writ petitioner the aforementioned land of the writ petitioner was converted from 'baid' to 'bastu'.

4. At this juncture, Mr. Chakraborty draws attention of this Court to page no. 16 of the instant writ petition being a copy of the notification for acquisition of land for construction of a national highway. It is submitted that in such notification the aforementioned land of the writ petitioner was described as 'krishi' (agriculture).
5. It is submitted by Mr. Chakraborty that at the time of such acquisition the aforementioned land of the writ petitioner was treated as agricultural land and for that reason lessor amount of compensation has been awarded.
6. It is further submitted by Mr. Chakraborty that time and again the writ petitioner approached the respondents/authorities more specifically the respondent no. 3/authority requesting him to enhance the compensation but in vein.
7. It is thus submitted that Mr. Chakraborty that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers as made in the instant writ petition.
8. Such prayer is vehemently opposed by Mr. Sen, learned Advocate appearing on behalf of the respondents/State and Mr. Sur, learned Advocate led by Ms. Monika Roy, learned Advocate appearing on behalf of the N.H.A.I. Both Mr. Sen and Mr. Sur, learned Advocates appearing for the State and N.H.A.I. respectively

contended that the instant writ petition is not maintainable in view of the provisions of Section 3G(5) of the National Highways Act, 1956 (hereinafter referred to as the 'said Act of 1956' in short).

9. On careful consideration of the entire materials as placed before this Court and after giving due opportunity of hearing to the learned Advocates for the contending parties this Court at the very outset proposes to look to the provisions of Section 3G of the said Act. Section 3G of the said Act is quoted hereinbelow in verbatim:

***“3G. Determination of amount payable as compensation.-***

*(1) .....*

*(2) .....*

*(3) .....*

*(4) .....*

*(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.*

*(6) .....*

*(7) .....”*

10. On careful perusal of the provision of Section 3G of the said Act it reveals to this Court that it is the legislative mandate that in the event a person feels aggrieved with the amount determined by the competent authority under Sub-Section (1) or Sub-Section (2) of Section 3G he has to approach the arbitrator to be appointed by

the Central Government by filing an appropriate application.

11. In view of such clear legislative mandate this Court is of considered view that the present writ petitioner has is persuading his remedy before a wrong forum and accordingly this Court is constrained to hold that the instant writ petition is not maintainable and is thus dismissed.
12. Before parting with, it is, however, made clear that in the event the writ petitioner approaches the arbitrator as appointed by the Central Government under Section 3G (5) of the said Act within 60 working days from today, the said arbitrator shall condone the delay in filing the said application, if there be any.
13. However, there shall be no order as to costs.
14. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Partha Sarathi Sen, J.)**