

May 20, 2025
Sl. No.9
Court No.19
s.biswas

WPA 7983 of 2025

Kanai Pal and others

vs.

The State of West Bengal and others

Mr. Panchanan Hajra

Ms. Sudeshna Ghosh

... for the petitioners

Mr. Soumitra Bandyopadhyay, Sr. Govt. Adv.

Ms. Suchana Banerjee

... for the State

Ms. Manika Roy

Ms. Ankita Chowdhury

Mr. Atanu Sur

... for the NHAI

Mr. Suman Chakraborty

... for the private respondent nos.6 to 9

1. The affidavit of service as filed today on behalf of the petitioners is taken on record.
2. The writ petitioners, the private respondents, the respondent State and its functionaries and the National Highway Authority of India i.e. the respondent no.10 are represented by their respective learned advocates.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities for considering the objection of the writ petitioners with regard to payment of compensation, in accordance with law, along with ancillary reliefs.
4. At the time of hearing learned advocate appearing on behalf of the writ petitioners draws attention of this court to the pleadings as made in the instant writ petition. It is submitted that it is the case of

the writ petitioners that though the present writ petitioners are owners of 19 decimals of land in RS/LR Plot Not.72 of mouza Satberia, the private respondents taking advantage of wrong recording of names in RoR in respect of the self-same land are persuading the respondent authorities to disburse compensation to them, which according to the writ petitioners is not payable to the respondents.

5. It is further submitted that on account of such dispute, a civil suit is also pending before the jurisdictional civil court.
6. Learned advocate appearing for the private respondents though disputed the submission of the learned advocate for the writ petitioners, however he admits that a civil suit is pending.
7. At this juncture, Mr. Bandyopadhyay, learned Senior Government Advocate appearing on behalf of the State and its functionaries, draws attention of this court to page nos.35 to 37 of the instant writ petition being a copy of the plaint as filed by the writ petitioners before the jurisdictional civil court. It is submitted that from page nos.49 and 50 of the instant writ petition, it would reveal that the present writ petitioners have also filed an application under Section 151 of the Code of Civil Procedure praying for appropriate order prohibiting the respondent State and its

functionaries not to disburse compensation in favour of the defendants therein.

8. It is submitted by Mr. Bandyopadhyay that since the writ petitioners have approached the jurisdictional civil court for their reliefs and have availed of alternative remedy, the writ petitioners are not entitled to any relief as prayed for.
9. Ms. Roy, learned advocate appearing for the respondent no.10, practically echoes the submission of Mr. Bandyopadhyay. In course of her submission, she draws attention of this court to Section 3(G) and 3(H) of the National Highways Act, 1956. It is submitted by her that Section 3(H)(4) of the said Act of 1956 clearly postulates that in the event a dispute arises with regard to apportionment of compensation, the competent authority is duty bound to refer the matter for the decision of the principal civil court of original jurisdiction.
10. Considering the entire materials as placed before this court and after hearing the learned advocates for the contending parties, this court finds sufficient merit in the submission of Mr. Bandyopadhyay, in view of the fact admittedly for the self-same relief the writ petitioners have approached the jurisdictional civil court by filing Title Suit no.38 of 2024.

11. It is trite law that normally the High Court should not interfere if there is an alternative and efficacious remedy. If somebody approaches the High Court without availing the alternative remedy, the High Court should ensure that he made a strong case or there exists a good ground to interfere by invoking the extraordinary jurisdiction. It appears to this court that the writ petitioners have already filed a title suit before the civil court for obtaining similar such relief. In view of availing of such alternative remedy, this court considers that it would be inappropriate to grant similar such relief to the writ petitioners in the instant writ petition.

12. As rightly pointed out by Ms. Roy that as per provision of Section 3(H) of the said Act of 1956, there is a clear mandate that in case any dispute regarding apportionment of amount which is payable to the land losers, the competent authority is duty bound to refer such dispute for decision to the principal civil court of original jurisdiction.

13. Such being the position, this court considers that another alternative remedy is also available to the writ petitioners by ventilating their grievances before the principal court of original jurisdiction. Such being the position, this court considers that the instant writ petition cannot be

held maintainable. This court further holds that the instant writ petition is devoid of any merit.

14. Accordingly, WPA 7983 of 2025 is dismissed.

There shall be however no order as to costs.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)