

11.4. 2025
item No.13
n.b.
ct. no. 24

WPA 14176 of 2022

Biswanath Majhi
Vs.
Union of India & Ors.

Mr. Arindam Das,
Ms. Rumeli Sarkar,
..... for the petitioner.
Mr. Chandi Charan De,
Mr. Anirban Sarker,
.... For the State.

Petitioner's land was acquired by the National Highways Authority. The petitioner approached before this Court in writ petition no. WPA 1851 of 2022 seeking necessary direction a Co-ordinate Bench disposed of the writ petition with a direction upon the respondent no.7(Additional District Magistrate LA and competent authority of Land Acquisition, Purulia) to dispose of the representation of the petitioner. By impugned order dated April 5, 2022, the competent authority has passed the order. The petitioner is aggrieved against the order, hence this writ.

It is the contention of the learned counsel for the petitioner that the order was passed by the competent authority is not in compliance to the provisions of Section 3G(1) read with section 3G(7) of the National Highways Act, 1956.

Mr. Chandi Charan De, Learned Additional Government Pleader appearing on behalf of the respondent no.7 has fairly submit before this Court, the impugned order passed by respondent no.7 has not properly in conformity with the provisions of Section 3G(1) read with Section 3G(7) of the National Highways Authority Act, 1956.

Mr. Dey has also placed the specific provisions of Section 3G(1) as well as section 3G(7) of the National Highways Authority Act, 1956.

Let the said provisions be set out for the proper determination of this matter:

“3G. Determination of amount payable as compensation. – (1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

2.....

3.....

4.....

5....

6....

7. The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section(5), as the case may be, shall take into consideration-

(a) the market value of the land on the date of publication of the notification under section 3A;

(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;

(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;

(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.”

Heard the learned counsel for the parties at length. Mr. Day, learned Additional Government Pleader appearing for the state has fairly submits that necessary direction may be made to the competent authority to pass a necessary order in following the provisions as laid down herein above.

Sec 3(G)(1) of Act, 1956 makes it clear that an order of compensation shall be determined by competent authority following different factors and consideration enumerated under Section 3(G)(7) of the Act, 1956. The impugned order has not categorically follow the guidelines under Section 3(G)(7) of the Act. Thus, the

impugned order is set aside, the competent authority is directed to revisit the matter.

Having heard learned counsel for the parties, the instant writ petition is disposed of with a direction to the competent authority (Respondent no.7) to pass a reasoned order in terms of Section 3G(1) complying with Section 3G(7) of the National Highway Authority Act, 1956 within six weeks from the date of communication of this order by giving a reasonable opportunity of being heard to the petitioner.

The petitioner is at leave to place necessary documents if any, at the time of hearing of this matter.

The competent authority shall allow all the parties at the time of hearing to demonstrate their issues.

The concerned authority shall dispose of the matter according to law and shall communicate the order to the petitioner within two weeks thereafter.

I make it clear that this court has not gone into the merit of this matter, the competent authority is at leave to dispose of the matter according to law without being influenced by any observation of this Court.

Since no affidavit has been exchanged between the parties, the allegation made in the writ petition shall be deemed to have been not admitted.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)