

S/L 8
17.06.2025
Court. No. 19
Suwayan

WPA 15117 of 2023

**Ajit Kumar Karak
Vs.
The State of West Bengal & Ors.**

*Mr. Biswajit De
Mr. Subhajit De
Ms. Mallika Manna*

...for the petitioner.

*Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar
Mr. Asish Dutta*

...for the State.

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

...for NHAI.

*Mr. Amrita Pandey
Ms. Anamika Pandey
Ms. Sneha Singh*

...for the respondent no. 6.

1. The affidavit-of-service as filed on behalf of the writ petitioner is taken on record.
2. At the time of hearing, learned Advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to paragraph no. 2 of the instant writ petition wherein it has been stated that in plot no. 97, Mouza – Madanmohanpur, the writ petitioner is the owner of 62 decimals of land by virtue of a deed of gift dated 23.09.1976 as executed in favour of the writ petitioner by his father.
3. At this juncture, learned Advocate for the writ petitioner draws attention of this Court to page nos. 72 and 77 of the instant writ petition being copies of two notices under Section 3A(1) and under Section 3D(1)

and (2) of the National Highways Act, 1956 (hereinafter referred to as the 'said Act of 1956'). It is submitted on behalf of the writ petitioner that by virtue of the publication of the notice under Section 3D(1) and (2) of the said Act of 1956 the aforementioned plot of land stood vested with the Central Government and, therefore, the writ petitioner is entitled to compensation as would be determined under Section 3G of the said Act of 1956. It is submitted that despite publication of notice of declaration under Section 3D(1) and (2) of the said Act of 1956 dated 12.12.2022 the competent authority has not yet disbursed the compensation as would be payable to the writ petitioner.

4. It is thus submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
5. Such contention is opposed by Ms. Roy, learned Advocate appearing on behalf of the NHAI authority i.e.; the respondent no. 7 herein. It is argued by her that admittedly the aforementioned plots stood vested on account of publication of notice under Section 3D(1) and (2) of the said Act of 1956, however, the writ petitioner never approached the competent authority for determination of amount as payable to him as compensation, if there be any. According to Ms. Roy the instant writ petition is liable to be dismissed being premature.

6. Mr. De, learned AGP appearing for the respondents/State, however, submits that under Section 3G of the said Act of 1956 the competent authority is duty bound to determine the compensation as payable to the land looser as has been acquired under the provisions of the said Act of 1956. It is further submitted by Mr. De that the competent authority in this regard is the respondent no. 4 i.e.; the Additional District Magistrate (LR) cum District Land and Land Reforms Officer (competent authority).
7. Considering the entire materials as placed before this Court it reveals that sufficient materials have been placed that a part of plot no. 97 in Mouza – Madanmohanpur has been acquired in terms of the provision of Section 3D(1) and (2) of the said Act of 1956.
8. In view of such, while disposing the instant writ petition this Court directs the respondent no. 4 herein who is the competent authority under the National Highways Act, 1956 to consider the copy of the instant writ petition as a representation of the writ petitioner and he is further directed to consider such representation of the writ petitioner in accordance with law more specifically under Section 3G of the said Act of 1956 for the determination of the amount of compensation in favour of the writ petitioner, if there be any, positively within 120 working days from the date of communication of the server copy of this order.

9. It is further directed that the competent authority under Section 3G of the said Act of 1956 is directed to give a chance of hearing either to the writ petitioner or to his legal representative prior to passing of the reasoned order. It is further directed that the competent authority under the said Act of 1956 shall communicate the reasoned order soon thereafter to the writ petitioner preferably by mail, if the mail details of writ petitioner is provided to him at the time of hearing.
10. The time limit as fixed by this Court is mandatory and peremptory.
11. Liberty is given to the learned Advocate for the writ petitioner to communicate the server copy of this order along with a copy of the instant writ petition together with all annexures to the said competent authority i.e.; the respondent no. 4 herein for his immediate compliance.
12. The respondent no. 4 is hereby directed to act on the server copy of this order.
13. With the aforementioned observation, the instant writ petition being WPA 15117 of 2023 is disposed of.
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.)