

S/L 8
25.09.2025
Court. No. 19
Sourav

WPA 20063 of 2025

**Abdul Rashid Mondal & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Prantick Ghosh
Mr. Prasad Bhattacharya
Mr. Anjan Sinha*

...for the petitioners.

*Mr. Tapan Kr. Mukherjee, Sr. Adv.
Ms. Tuli Sinha*

...for the State.

*Mr. Susanta Pal
Mrs. Sanchayita De*

...for the State/respondent nos. 2 to 4.

1. The affidavit-of-service as filed on behalf of the writ petitioners is taken on record.
2. The writ petitioner, the respondent/State and its instrumentalities are represented by their respective learned advocates.
3. None appears on behalf of the NHAI authority.
4. The subject matter of the instant writ petition is disbursement of compensation in connection with L.A. Case No. L.A/NII-34/N24PGS/Aamdanga/31 of 2011-12 in respect of the Land measuring about 0.03165 acres out of total area 0.25 comprising in RS & LR Plot No. 198, Mouza- Hisabi JL No. 24, Touzi 2162, Police Station – Aamdanga, P.O. Hisabi, Adhata Gram Panchayet, North 24 Parganas.
5. At the time of hearing, Mr. Ghosh, learned advocate appearing on behalf of the writ petitioners draws attention of this Court to Page Nos. 46 and 47 of the

instant writ petition, being a copy of notice dated 05.12.2013 which has been issued by the competent authority, NHAI authority i.e., the respondent no. 4 herein.

6. It is submitted by Mr. Ghosh that on account of wrong recording in the L.R. record, the respondent no. 4/authority proposed to disburse compensation in favour of the private respondents who are not the raiyats of the acquired land. It is submitted by Mr. Ghosh that from Page Nos. 60 to 63 of the instant writ petition, it would reveal that the writ petitioners have submitted a representation with the respondent no. 4/authority for determination of the dispute as to who are the persons interested to the amount as has been determined under Section 3G of the National Highways Act, 1956 (hereinafter referred to as 'the said Act of 1956' in short), however, such representation was not considered by the respondent no. 4/authority for the reasons best known to him.
7. It is thus submitted by Mr. Ghosh that appropriate relief/reliefs may be granted to the writ petitioners in accordance with the prayers made in the instant writ petition.
8. Such prayer is vehemently opposed by Mr. Mukherjee, learned senior advocate duly assisted by Mr. Pal, learned advocate appearing on behalf of the respondent/State. It is submitted that from the Page Nos. 46 and 47 of the instant writ petition, it would reveal that the said notice was issued in the year 2013 and the writ petitioners have

miserably failed to explain the delay and laches in approaching this Court for exercising high prerogative writ jurisdiction of this Court.

- 9. Mr. Mukherjee thus submits that it is a fit case for dismissal of the instant writ petition.
- 10. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court proposes to look to the provisions of Sections 3G and 3H of the said Act of 1956.

“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)*

3H. Deposit and payment of amount.—

- (1) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.*
- (2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.*
- (3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.*
- (4) If any dispute arises as to the apportionment of the amount or any part thereof or to 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.

(5)

(6)”

11. On careful perusal of the aforementioned legislative provisions, it reveals that it is the legislative mandate that where a land is acquired under the said Act, the amount that shall be paid to the land loser shall have to be determined by the competent authority.
12. It further reveals from Section 3H of the said Act that as soon as the determined amount is deposited, the competent authority is duty bound to pay the amount to the person or persons entitled thereto.
13. Section 3H(3) of the said Act further mandates that where several persons claimed to be interested in the said deposited amount, the competent authority shall determine the person who in its opinion are entitled to receive the amount payable to each of them.
14. Section 3H(4) of the said Act further provides that if any dispute arises with regard to the apportionment of the said deposited amount or any part thereof, 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.
15. Keeping in mind the aforementioned legislative provisions, if I look to the factual aspects of this case, it appears to this Court that by way of representation dated 10.07.2025, the writ petitioners have ventilated

their grievance with the respondent no. 4/authority, being the competent authority under the said Act of 1956 stating, *inter alia*, that the private respondents are not at all entitled to the amount as have been determined by the competent authority on account of acquisition.

16. At the time of hearing, it is submitted by Mr. Ghosh that the said determined amount has not yet been disbursed in favour of the land losers.
17. Such being the position, it appears to this Court that it is the bounden duty of the respondent no. 4/authority, being the competent authority under the said Act to determine as to who are the persons interested to the amount as has been determined by him towards acquisition of compensation.
18. In view of such settled proposition of law, this Court while disposing the instant writ petition directs the respondent no. 4/authority to consider the representation dated 10.07.2025 in the light of the provision of Section 3H(3) of the said Act of 1956 and after giving a fair chance of hearing to the writ petitioners as well as to the private respondents as well as to other stakeholders, if therebe any shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners, private respondents and other stakeholders, if therebe any, if the amount deposited has not been disbursed in the meantime.
19. It is further made clear that in the event while passing the reasoned order, the respondent no. 4/authority finds

a dispute with regard to the apportionment of the deposited amount, he is directed to act in terms of Section 3H(4) of the said Act of 1956, if the disbursement and apportionment has/have not done in the meantime.

20. The entire exercise as indicated in the foregoing paragraphs is to be completed within 90 working days from the date of communication of the server copy of this order.
21. The time limits as fixed by this Court are mandatory and peremptory.
22. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order to the respondent no. 4/authority forthwith.
23. The respondent no. 4/authority is hereby directed to act on the basis of the server copy of this order.
24. With the aforementioned observations, the instant writ petition being **WPA 20063 of 2025** is disposed of.
25. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)