

Sl.13
12.11.2025
Court No.19
BP

WPA 25217 of 2025

Aminul Haque @ Aminul Haque Mondal
-versus-
The State of West Bengal & Ors.

Ms. Mousumi Bhowal
Mr. Avijit Saha
Mr. Ishan Bhattacharya
..for the petitioner

Mr. Chandi Charan De, Ld. Addl, Govt. Pleader
Ms. Reshma Chatterjee
..for the State

Affidavit of service filed in Court today is taken
on record.

In spite of service none appears for the State.
Mr. De, learned Additional Government Pleader, who
usually represents the State and is present in Court
today, is requested to appear in this matter along with
a junior of his choice. Let the appointment of Mr. De
along with a junior of his choice be regularized by the
concerned authority.

The learned advocate on record of the petitioner
is directed to serve a copy of this writ petition upon
the junior of Mr. De in course of this day.

On the prayer of the learned advocate for the
petitioner, leave is granted to the learned on record of
the petitioner to add Additional District Magistrate
(LA), North 24 Parganas as the party respondent in
this writ petition. Such leave is granted.

The learned advocate on record of the petitioner is directed to amend the cause title of the writ petition, here and now.

The learned advocate on record of the petitioner shall be obliged to supply a copy of the amended cause title of the writ petition upon the junior of Mr. De.

The plot of land of the petitioner being R.S. Dag No. 1225 within Mouza Kaipukuria under Police Station Amdanga in the District of 24 Parganas (North) was acquired for the purpose of construction of four lane National Highway No. 34. In connection with the acquisition proceeding, an award was passed by the arbitrator on 4th October, 2023 wherein it was held that all other awardees will get the benefit of enhanced compensation on application of Act 30 of 2013 inasmuch as the substantial law is a beneficial one and applicable to all in view of circular dated 03.02.2016 of the NHAI vis-à-vis Section 25(C) of the Arbitration and Conciliation Act, 1996.

The learned advocate appearing for the petitioner submits that pursuant to the said arbitral award, the payment notice (land) dated January 22, 2024 was issued by the Additional District Magistrate (LA) North 24 Parganas being the competent authority under the National Highways Act, 1956 requesting the petitioner to appear personally on 15th February, 2024

at the office of the Block Development Officer, Amdanga.

The learned advocate appearing for the petitioner submits that pursuant to the said notice the petitioner duly appeared before the concerned Block Development Officer but no steps have been taken for release of the payment pursuant to the arbitral award to the petitioner till date.

Mr. De, learned Additional Government Pleader for the State submits that the petitioner was requested to bring a proper identifier, payment notice as well as various other documents as specifically indicated in the notice dated January 22, 2024. He further submits that payment cannot be made without verifying the identity of the claimant.

Mr. De, learned Additional Government Pleader submits that if the petitioner attends the office of the Additional District Magistrate (LA), North 24 Parganas being the added respondent along with the identifier and all other requisite documents as indicated in the notice dated January 22, 2024 on 27th November, 2025 at 4 p.m, necessary steps for release of the payment shall be taken by such authority on that date.

In the light of the submissions made by Mr. De, learned Additional Government Pleader, the petitioner is directed to attend the office of Additional District

Magistrate (LA), North 24 Parganas being the added respondent on 27th November, 2025 at 4 p.m. along with the proper identifier and the documents as specifically indicated in the payment notice dated January 22, 2024 and the said respondent upon verifying the identity of the claimant and upon being satisfied shall take steps in terms of the payment notice dated January 22, 2024 and shall release the payment within a period of four weeks from the aforesaid date.

With the above observations, WPA 25217 of 2025 stands disposed of.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)