

ASR 23.
Ct. no. 24.
16.04.2025

WPA 28174 of 2022

Dilip Das
Vs.
The State of West Bengal & Ors.

Mr. Partha Pratim Ray
Mr. Anirban Das
Mr. Poulami Chakraborty

.....For the Appellant

Mr. Soumitra Bandhopadhyay
Mr. Priyabrata Batabyal

....For the State Respondents

Ms. Manika Roy

.....For NHAI

Land of the petitioner was acquired for the purpose of widening the National Highway 34 by the concerned authority vide LA Case no. 35A/NH/10-11 by issuance of a notice under Section 3E of the National Highway Act, 1956.

Initially, the amount of compensation was fixed to the tune of Rs. 1,54,803/- (rupees one lakh fifty four thousand eight hundred three).

The petitioner was aggrieved. So, he made a specific petition to the arbitrator under the Arbitration and Conciliation Act, 1996 and the National Highways Authorities Act, 1956.

The arbitrator has enhanced the rate. Finally after calculation by the competent authority (CALA) and award amounting to Rs. 16, 44,706/- (rupees sixteen lakhs forty four thousand seven hundred six) was paid to the petitioner. Petitioner received the award on 5th December, 2019.

One representation was made by the petitioner through learned counsel on 9th December, 2019, making a specific averment therein that the amount which was paid to the petitioner is not sufficient, he is entitled to get an amount of Rs more or less twenty eight lakhs.

He challenged the calculation made by the competent authority (CALA) in respect of the compensation in favour of the petitioner.

It appears that the instant writ petitioner has challenged the calculation of the competent authorities in terms of Section 3H(5) of National Highways Act, 1956. It further appears that the representation of the petitioner is not properly demonstrated his grievances.

Having heard learned counsel for the parties it appears to me appropriate to give sufficient liberty to the petitioner to demonstrate his grievances before the competent authority by making a fresh representation.

Under the above observation, the instant writ petitioner is disposed of by giving leave to the writ petitioner to make a representation to the competent

authority i.e. Additional District Magistrate (LA), Nadia being respondent no. 3 of this writ petition within two weeks from the date of passing of this order.

If such representation is being made, the competent authority shall dispose of his representation according to the provision of law within six weeks from the date of receiving of such representation after giving a reasonable opportunity of being heard to all the concerned.

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

[Subhendu Samanta, J]