

Sl.29
05.01.2026
Court No.19
BP

WPA 27566 of 2025

Sri Biswanath Pathak & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Soumik Ganguli
..for the petitioners

Mr. Ansar Mandal
Mr. Asis Dutta
..for the State

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

The petitioners claim that several plots of the petitioners within Mouza Faridpur was acquired for the purpose of extension of the National Highway. The compensation was determined by the competent authority under the National Highways Act, 1956.

Being aggrieved with the determination of such compensation by the competent authority, the petitioners submitted a representation through the learned lawyer's letter dated August 4, 2022 praying for release of the compensation amount in accordance with the market value of the land along with the building in question. Alleging inaction on the part of the concerned authority, the petitioners filed a writ petition being WPA 4868 of 2024 which was disposed of by a Co-ordinate Bench by an order dated April 28, 2025 by directing the 2nd respondent namely, the Additional District Magistrate (L.A.), Paschim Burdwan to consider the representation of the petitioners

dated August 4, 2022 and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner as well as the other respondents and/or their authorized representatives. Pursuant to the directions contained in the said order the Additional District Magistrate (L.A.), Paschim Bardhaman passed an order dated 30th May, 2025 holding that the compensation under Section 3G of the National Highways Act has been rightly calculated and the petitioners claim of higher value of compensation is unreasonable.

Mr. Ganguly, learned advocate appearing for the petitioners submits that the competent authority while determining the compensation did not take into consideration the market value of the land in question which, according to the petitioners, is Rs. 20,00,000/- per cottah. Mr. Ganguly further submits that the value of the structure has not been taken into consideration by the competent authority while determining the amount of compensation.

Mr. Mandal, learned advocate for the State submits that in case the petitioners are aggrieved by the amount of compensation determined by the competent authority remedy lies under Section 3G(5) of the National Highways Act, 1956 to file an application before the arbitrator to be appointed by the Central Government. Mr. Mandal, learned advocate for the State, on instructions, submits that the Divisional Commissioner, Paschim

Bardhaman has been appointed by the Central Government to perform the functions of the arbitrator under Section 3G(5) of the 1956 Act. Mr. Mandal further submits that the valuation of the structure was also taken into consideration by the competent authority which has also been reflected in the order dated 30th May, 2025.

After hearing the learned advocates for the respective parties, it appears that the petitioners are aggrieved by the determination of the compensation amount made by the competent authority under sub-section 1 or 2 of the National Highways Act, 1956. Sub-section 5 of Section 3G of the National Highways Act, 1956 states that if the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government. Since the petitioners are aggrieved by the determination of the compensation amount made by the competent authority, the petitioners have to approach the arbitrator appointed by the Central Government for such purpose.

Faced with such situation, Mr. Ganguly, learned advocate appearing for the petitioners prays for leave to approach the arbitrator challenging the order of the Additional District Magistrate (L.A.), Paschim Bardhamn dated 22nd January, 2016 and 30th May, 2025.

WPA 27566 of 2025 stands disposed of by giving liberty to the petitioners to challenge the aforesaid orders dated 22nd January, 2016 and 30th May, 2025 passed by the Additional District Magistrate (L.A), Paschim Bardhaman before the Divisional Commissioner, Paschim Bardhaman.

Mr. Ganguly submits that the petitioners shall approach the Divisional Commissioner within a period of four weeks from the date receipt of a server copy of this order.

If the petitioners approach the Divisional Commissioner challenging the aforesaid orders passed by the Additional District Magistrate (L.A), Paschim Bardhaman within the time limit mentioned hereinbefore, such authority shall pass appropriate orders in accordance with law as expeditiously as possible but preferably within a period of three months from the date of filing the application.

There shall be however 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.)