

08.01.2026
SL. No.10
Court No.2
SKG

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A. No. 1459 of 2025

**Binod Pradhan
Versus
Union of India & Ors.**

Ms. Tanuka Basu,
Mr. Pradip Chatterjee,

...for the Petitioners.

Mr. Sudipto Kumar Mazumder, Ld. DSGI
Mr. Tridip Saha,
Mr. Saptak Sarkar

....for the respondent nos. 1 to 4

Mr. Hirak Barman,
Mr. Kumar Shantanu,

....for the State

Ms. Supriya Singh,

...for the respondent no.3

Mr. Saptak Sarkar,

...for the NHIDCL

1. The petitioner alleges that the National Highway Infrastructure Development Corporation Limited, Kalimpong had constructed a road close to the premises of the petitioner. As a result of such rampant construction, damage was sustained by the petitioner's premises. The petitioner prayed for compensation on such account but such prayer was not responded to. The petitioner filed a writ petition before this court. The writ petition was disposed of with a direction upon the Additional

District Magistrate (L.A.) and Competent Authority of Land Acquisition (C.A.L.A.), Kalimpong under the National Highway Authorities Act, 1956 to consider the representation of the petitioner claiming such compensation. An order was passed on May 30, 2025, by the Additional District Magistrate (L.A.) and Competent Authority of Land Acquisition (C.A.L.A.), Kalimpong, inter alia, holding that the petitioner's contention was not tenable as the Assistant Engineer of NHIDCL/PMU, Kalimpong, upon inspection of the adjoining area and buildings to that of the petitioner, came to the finding that there was no evidence of any damage to the land and building.

2. In my view, this matter requires further enquiry by a team comprising of technical experts to ascertain whether the land or building of the petitioner had sustained any damage on account of the construction of the road by NHIDCL.
3. The writ petition is disposed of by this court, upon constituting a team comprising of the Project Director, National Highway Authorities, Kalimpong, Project Director or any competent engineer of NHIDCL, Kalimpong/PMU and the concerned Superintending Engineer, PWD to make a survey and inspection of the land and premises of the petitioner and arrive at a conclusion as to

whether any damage was caused to such land and premises on account of the construction of the road. If the petitioner's claim is found to be correct, in that event, compensation for such damage shall be assessed by the team and a reasoned order shall be passed by the team. The same shall be served upon all interested parties.

4. The petitioner shall be at liberty to take further steps in accordance with law, upon receipt of such report, and approach the appropriate authority for payment.
5. It is made clear that the entire exercise shall be completed within a period of six weeks from the date of receipt of the copy of this order.
6. There shall be no order as to costs.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)