

(2018) 06 CAL CK 0235
In the Calcutta High Court
Case No : Writ Petition 429 (W) of 2018

Jakir Molla & Ors.

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 26-06-2018

Acts Referred:

National Highways Act, 1956 — Section 3G(1), 3H(2)

Citation : (2018) 06 CAL CK 0235

Hon'ble Judges : PROTIK PRAKASH BANERJEE, J

Bench : Single Bench

Advocate : Partha Pratim Roy, Chandi Charan De, Subhojit Seal, Dipankar Das

Final Decision : Allowed

Judgement

The entire writ petition though filed on the basis of significant points of law can be reduced to one small problem which the writ petitioners faced and

are still facing. In respect of the lands acquired for the purposes of a national highway the competent authority determined an amount of compensation

under Section 3G (1), but allegedly did not issue a notice of payment under Section 3H(2) of the National Highways Act, 1956 It is the grievance of

the writ petitioners that without knowing the amount determined by the competent authority they can neither decide to accept nor decide to refuse or

seek enhancement of such amount.

The writ petition has been moved on service. Learned advocate for the national highway and the State are represented. Affidavit of service is taken

on record. The competent authority, I am told, is an officer of the State of West Bengal. Therefore, learned Additional Government Pleader appearing

with Mr. Somnath Bandhopadhyay who represents the State of West Bengal can certainly represent the third respondent, who is the competent

authority.

Therefore, without going into the allegations contained in the writ petition or any matter on merit, the present writ petition is disposed of by directing

the third respondent to communicate to the writ petitioner the amount of money payable to the writ petitioner from the amount determined as

compensation by the third respondent in respect of the lands acquired for the purposes of the national highway within a period of six weeks from the

date of communication of this order.

Naturally, until such period as this communication is made no further step ought to be taken by the respondent no.2/Collector so far as arbitration in

respect of the amount determined is concerned. The respondent no. 2 therefore, shall stay his hands for a period of one week after the date which the

writ petitioner receives the concerned communication from the third respondent.

I pass this order because it is fairly admitted by all sides that an arbitration has commenced at the instance of the land losers who are aggrieved with

the amount of compensation and such arbitration is pending. In case the writ petitioner does not challenge the compensation, after communication,

within a period of one week from the date of communication by the respondent no.3 to the writ petitioner, as aforesaid, the learned Arbitrator

(respondent no.2) shall continue with the arbitration and make and publish the award in accordance with law. I have called for no affidavit-in-

opposition, therefore, the allegations contained in the writ petition, are not admitted. There shall be no order as to costs.