

28.11.2024

Ct. no.39

Sl. No.11

ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 3113 of 2023
(specially assigned)

Reena Gupta
Vs.
National Highways Authority of India & ors.

Mr. Supratim Dhar, Sr. Adv.
Mr. Tirupati Mukherjee
... for the petitioner

Mr. Ashim Kumar Ganguly, Ld. AGP
Mr. Bellal Sk.
... for the State

Mr. Subrata Bhattacharjya
Ms. Shipra Santra
... for the respondent no.2-N.H.A.I.

This writ petition has been filed under Article 226 of the Constitution of India challenging the compensation arrived at by the National Highways Authority in respect of acquisition of land and structure within plot No.164, Mouza Searsole, J.L. No.17 under the district of Paschim Bardhaman.

The petitioner's case in nutshell is that there has been mistake in calculating the compensation by not considering the actual valuation of land and structure of the left out portion belonging to the petitioner.

Mr. Supratim Dhar, learned Senior Advocate appearing on behalf of the petitioner submits that from the communications between the Project Director, National Highways Authority and the Special Land

Acquisition Officer it would be evident that there is discrepancy in calculating the compensation with regard to the land and structure of the left out portion belonging to Reena Gupta, the petitioner herein. Therefore, the authority concerned namely, the Project Director of the National Highways Authority and the State authority namely, Special Land Acquisition Officer, Paschim Bardhaman should re-assess and re-measure the structure valuation as well as land pertaining to the left out portion of the petitioner, Reena Gupta and thereafter calculate the compensation. He seeks for appropriate orders.

Mr. Subrata Bhattacharjya, learned Advocate for the respondent-NHAI concedes to the aforesaid submissions made on behalf of the petitioner. He informs the Court that revised and rectified valuation is yet to be submitted.

Mr. Ashim Kr. Ganguly, learned Additional Government Pleader appearing on behalf of the State in his usual fairness submits that as far as the disputes concerning the petitioner, re-assessment of valuation has to be made for arriving at the just compensation. No such rectified valuation has been made till date.

Upon going through the letter of the Project Director, National Highways Authority dated 18th June, 2020 a revised structure valuation report was sent to the Special Land Acquisition Officer, Purba Bardhaman. By its letter dated 15th September, 2020, a request was made

by the Special Land Acquisition Officer, Purba Bardhaman to the Project Director to rectify the mismatch of structure calculation and submit rectified valuation sheet of the left out portion. It is not in dispute that till date the revised and rectified valuation has not been made. Such being the position, the Project Director, National Highways Authority, respondent no.2 is directed to act in terms of the letter of the Special Land Acquisition Officer, Purba Bardhaman dated 15th September, 2020 requesting for rectification by causing re-measurement of the left out portion of the land as well as structure belonging to Reena Gupta, the petitioner herein.

Such re-assessment shall be made by the Project Director, National Highways Authority, Paschim Bardhaman upon notice to the petitioner as well as the Special Land Acquisition Officer within a period of four weeks from date. The petitioner is granted liberty to produce relevant documents at the time of inspection.

The respondent-NHAI is directed to furnish a detailed report of the aforesaid compliance before this Court on the returnable date.

List this matter one week after ensuing winter vacation.

(Bivas Pattanayak, J.)