

126
jdt. 21.05.2025
jb.

**CPAN 1489 of 2023
in
WPA 18749 of 2022**

**Mr. Subhajit Saha
Mr. Agniswar Bhuinya
... For the Applicant-Petitioner
Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Roy
... For the alleged Contemnor no. 1
Mr. L. M. Mahata
Ziaul Haque
... For the alleged Contemnor no. 2**

Affidavit of compliance and exception to the same
are taken on record.

Heard learned counsels for the parties.

The applicant is aggrieved by the mode of
assessment of valuation of the property in question
made by the authority as well as the fact that interest
has been granted from the date of notification dated
14th June, 2024 under Section 3(A) of the National
Highways Act and not from the date of possession taken
in 2017 in terms of Section 80 of the 2013 Act.

Learned counsel for the applicant submits that
Section 26 of the 2013 Act has been given a go by and
the valuation of the property has been assessed in
terms of two notifications of 2015 and 2005.

Per contra, learned counsel for the alleged
contemnor submits that the market value of the

property in question which is a “rasta” has been assessed upon consideration of the average sale value of the top half of 21 sale data out of 42 available data of bastu in the vicinity of the property in question. A notification was published on 7th December, 2015 which lays down guidelines for preparation of estimate under Section 3G of the National Highways Act, 1956. The said notification says that if sale data for a particular class of land is unavailable, the notification dated 21st July, 2005 may be followed. Learned counsel submits that since sale data of the property in question was not available, the authority had to rely on the notification dated 21st July, 2005 and assess compensation accordingly.

I have considered the rival submissions of the parties and material on record. Since the applicant is aggrieved by the mode and manner of assessment of compensation on the basis of notifications of 2015 and 2005, the issue cannot be dealt with in the present application for contempt and needs to be given a detailed consideration in an appropriate proceeding. For the time being it is held that this part of the order under contempt has been substantially complied with.

With regard to payment of interest in terms of Section 80 of the 2013 Act, learned counsel for the alleged contemnor candidly submits the interest shall be paid to the applicant in terms of Section 80 of the

Act within two months from date. It is expected that the National Highways Authorities shall disburse the necessary funds at the earliest.

The matter is adjourned.

(Suvra Ghosh, J.)