

16.07.2021
jb.

W.P.A. 1954 of 2020
GHSPL Sambhav, KNJ Healthcare LLP
vs.
National Highway Authority of India & Ors.

Mr. Aniket Mitra
Mr. Bhaskar Prasad BanerjeeFor the Petitioner

Ms. Chama Mukherjee
Ms. Neelam Singh For the State

Ms. Manika Roy For the NHAI

The petitioner impugns the notice dated 11th January, 2020 passed by the NHAI directing removal of unauthorised occupation of the petitioner from the subject premises.

It is submitted on behalf of the petitioner that the subject premises of the petitioner has not been acquired by the NHAI and a local inspection should be called for to ascertain whether the premises of the petitioner has been acquired or not.

Counsel on behalf of the NHAI submits that the boundary wall of the petitioner has been acquired and compensation has been paid as far back as in 2013 to the predecessor in interest of the petitioner. It is further submitted on behalf of the NHAI that a local

inspection has already been carried out and it has been found that the petitioner is in unauthorised occupation. Hence, the impugned notice has been issued for removal of unauthorised occupation of the petitioner by the NHAI.

Ms. Mukherjee, appearing for the State submits that the acquisition was completed in 2013 whereas the petitioner has purchased the property in 2014 and as a subsequent purchaser the petitioner is bound by the action taken by the NHAI since it has no right, title interest in respect of the portion acquired by the NHAI.

I am of the view that there is no merit in this writ petition and the same has been filed to frustrate the respondents. The petitioner has been unable to demonstrate any right to show that the petitioner is in authorised occupation of the subject premises. There appears to be no infirmity in the process adopted by the NHAI. The petitioner has been unable to justify any reason to interfere with the impugned actions of the respondents.

In view of the aforesaid, W.P.A. 1954 of 2020 is dismissed. Liberty is granted to the NHAI to act expeditiously in accordance with law.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)