

December 20, 2021
Item No.43
Court No.1
SG/s.biswas

WPA 31453 of 2017

Khilkapur Byabosayee Kalyan Samity
vs.
Union of India and others

(Through Video Conference)

Mr. Jahar Lal De,
Mr. Shamim Ul Bari, Advocates

... for the State

Petitioner has filed the present petition raising grievance that the official respondents were trying to close the entry and exit of the National Highway-34 Division-V from National Highways to the entire village of Khilkapur, Police Station Duttapukur, North 24 Pargannas, while constructing the road along with drain on the National Highways-34. Another grievance was raised by the petitioner that the height of the slab of drain was 1.5 feet to 2 feet high from the highways.

Learned counsel for the State has submitted that under Sections 28 and 29 of the Control of National Highways (Land and Traffic) Act, 2002, the aggrieved party has right to approach the concerned authority for access to the National Highways and for that, procedure is also described.

Having examined the record it is noticed that the writ petition was filed in the year 2017 and more than 4 years have already passed, no one is present to prosecute the present petition. It is also submitted by learned counsel for the State that if the petitioner Samity has any

surviving grievance then it can approach the respondent No.3, the Executive Engineer, NH-34, Division-V who will duly look into the matter.

Hence, we dispose of the present petition by granting liberty to the petitioner to approach the respondent No.3 if it has any surviving grievance. On filing any such complaint, respondent No.3 will duly examine the grievance of the petitioner and take appropriate decision in accordance with law as expeditiously as possible.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]