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08.08.2022
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**W.P.A. 150 of 2022
(Johur Ali vs. Union of India & Ors.)**

**Mr. Arindam Das
Ms. Rumeli Sarkar
.... For the Petitioner**

**Ms. Monika Roy
.... For the NHAI
Mr. Ansar Mondal
Mr. Sougata Mitra
.... For the State**

The petitioner claims to be recorded owner of 0.04 acres of land in plot No. 575 Khatian No. 819, Mouza Umarpur and submits that though no portion of his land has been acquired by the authority, the National Highways Authority of India intends to demolish the structures standing thereon for the purpose of extension of the National Highways and served notice under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002. The petitioner claims to be the owner of 0.01 acres of land proposed to be utilised by the National Highways Authority of India and claims compensation for the said land and structures thereon.

It is submitted on behalf of the National Highways Authority of India that the petitioner submitted a reply to the notice issued to him and after hearing the petitioner, the objection of the petitioner was disposed of on merits. The alleged encroachment

was admitted by the petitioner before the authority and the petitioner undertook to remove the said unauthorised structure from the plot in question. According to the learned advocate for the National Highways Authority of India, the petitioner has encroached about 320 sq. ft. of the existing right of way of NH 34.

Learned counsel for the State respondents is unable to indicate as to whether the acquired portion of 0.01 acres is part and parcel of 0.04 acres claimed to be owned and occupied by the petitioner.

The petitioner seeks liberty to submit a comprehensive representation before the Additional District Magistrate, (Land Acquisition Collector), being the 7th respondent herein, ventilating his grievances and stating the entire facts and circumstances of the matter and prays for direction upon the authority to consider the representation at the earliest.

In view of the above, the writ petition is disposed of granting liberty to the petitioner to submit a comprehensive representation in this regard before the 7th respondent within 7 days from date.

The 7th respondent is directed to consider and dispose of the representation submitted by the petitioner within a fortnight from the date of receipt thereof after granting reasonable opportunity of hearing

to the interested parties including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is pertinent to add that prayer for grant of stay of demolition of the structure on the plot in question made by the petitioner is not considered at this stage. In the event it is found that portion of the petitioner's plot has been acquired, the petitioner shall be entitled to compensation for the said land and structures thereon.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

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

(Suvra Ghosh, J.)