

WPA 8693 of 2022

Subrata Maiti
Vs.
The Union of India & Ors.

Mr. Supriya Chattopadhyay, Mr. Sudip Kumar Maiti,	...for the petitioner.
Ms. Manika Roy,	...for the NHAI.
Mr. Ashok Halder,	...for the UOI.
Mr. Kamal Mishra, Mr. Pratap Safui, Mr. Subhadeep Maitra,	...for the respondent no.6.
Mr. Chandi Charan De, Mr. Somnath Mukhopadhyay,	...for the State.

Affidavit of service filed by the petitioner is taken on record.

It is submitted on behalf of the National Highways Authority of India that as the plot in question is under the control and supervision of the State respondents, the NHAI has no role to play herein.

The grievance of the petitioner is that the private respondent raised unauthorised construction on PWD land by encroaching upon a portion of the same and has thereby obstructed egress and ingress of the petitioner.

Learned counsel for the petitioner submits that during pendency of the writ petition substantial part of the said unauthorised construction has been removed by the Officer-in-Charge, Bhupatinagar Police Station, being the

5th respondent herein and only a pillar is remaining in the said land. The petitioner prays for a direction upon the 5th respondent to remove/demolish the said pillar which is obstructing the PWD land.

It is submitted on behalf of the State respondents that the 5th respondent be directed to remove the said pillar from the plot in question and keep the plot free from all encumbrances.

In view of the same, the writ petition is disposed of directing the 5th respondent to ensure that the PWD land is free from all encumbrances and take necessary steps for removal of the pillar or any unauthorised construction thereon within one month from the date of communication of this order.

With the above directions, WPA 8693 of 2022 is disposed of. There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)