

21
27.06.2022
Ct. No.10
b.das

WPA 12938 of 2021

Raj Kumar Ghosh & Ors.
Vs.
The Chairman, National Highways Authority
of India & Ors.

Mr. Prabir Kr. Chowdhury
Mr. Prasanta Bishal ...for the petitioners.

Mr. Amitesh Banerjee
Mr. Suddhadev Adak ...for the State.

Ms. Manika Roy ...for the NHAI.

Mr. Priyabrata Batabyal
...for the private respondents.

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

Heard learned counsels for the parties.

On prayer of the petitioners liberty is granted to
implead the Public Works Department, Malda Division as a
party respondent to the writ petition. Further liberty is
granted to the petitioners to expunge the names of National
Highways Authority of India from the cause title to the writ
petition. The cause title of the writ petition be amended
accordingly.

The grievance of the petitioners is that the private
respondents have raised illegal construction encroaching
upon a portion of the National Highway, adjoining the
petitioners' property and run hotel business therein,

thereby obstructing the egress and ingress of the petitioners.

The petitioners submitted several representations before the concerned authority in this regard which are yet to be disposed of. The petitioners pray for a direction upon the authority to consider the representations submitted by the petitioners and take necessary steps for removal of the unauthorised encroachment upon the PWD land at the earliest.

The report submitted by the State respondents demonstrates that necessary steps in this regard have been taken against Naba Karmakar, being the respondent No.10 herein, and the Sub-divisional Officer, Malda and the Malda Police Station have been requested to make arrangement for removal of encroachments in the plot in question.

The petitioners seek the same action with regard to the 9th respondent Prahlad Ghosh.

Upon consideration of the submissions made on behalf of the parties and material on record, the writ petition is disposed of directing the P.W.D. Malda, being the added respondent herein, to consider and dispose of the representations submitted by the petitioners dated 3rd May, 2021 and 24th June, 2021, within one month from the date of communication of this order after giving reasonable opportunity of hearing to all the interested parties

including the petitioners and the private respondents, in accordance with law.

Since steps have been taken in respect of the 10th respondent, the concerned authority is directed to take necessary steps against the 9th respondent also, in the event it is found that this respondent is also guilty of encroaching upon any portion of the P.W.D. land.

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

With the above observations and directions, the writ petition being WPA 12938 of 2021 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)