

17 24.11.2022

gd/ssd

FMA 6 OF 2022
IA NO: CAN/2/2021
GHSPL SAMBHAV, KNJ HEALTHCARE LLP
VS
NATIONAL HIGHWAY AUTHORITY OF INDIA AND ORS.

Mr. Kingsuk Mondal
Mr. Pradip Kumar Kundu
..for the Appellant

Ms. Manika Roy
..for NHAI

By this intra court appeal the appellant has challenged the order of the learned Single Judge dated 16th July, 2021 whereby WPA 1954 of 2020 has been dismissed.

The appellant had filed the writ petition aggrieved with the notice dated 11.01.2020 issued under sub-section (2) of Section 26 of Control of National Highways (Land and Traffic) Act, 2002 for removal of unauthorised occupation.

Learned Single Judge has noted the submission of learned counsel for the State that the acquisition was complete in the year 2013, whereas the appellant had purchased the property in 2014, therefore, being a subsequent purchaser the appellant was bound by the action of acquisition of NHAI. In the said background, learned Single Judge has found no merit in the petition as the appellant had failed to demonstrate any right on

the land in question.

Learned counsel appearing for the NHAI has submitted that subsequently the notice dated 11.01.2020 has been given effect to and unauthorised construction has already been removed and presently there is no unauthorised construction.

Learned counsel for the appellant does not dispute the subsequent action.

Thus it is undisputed that now nothing survives in the writ petition. Hence, we find no reason to interfere in the impugned order.

The appeal is disposed of taking on record the above stand of counsel for the parties.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

