

25.11.2022
rc/ct.no.10
Item No.28

WPA No. 24522 of 2022

Mr. Amal Kumar Mukhopadhyay
Mr. Subir Sabud ...for the Petitioner

Mr. Subrata Santra ...for the UOI

Mrs. Monika Ray ...for the NHAI

Mr. Biswajit Konar
Mr. Arijit Mahinder...for the respondents no.8 to 11

Affidavit of service filed in Court today is taken on record.

The petitioner complains encroachment of a portion of land of the National Highways Authority of India (in short, “NHAI”) by the private respondents. The petitioner prays for treating the writ petition as a representation and a direction to the authority to consider the same at the earliest.

It is submitted on behalf of the private respondents that the private respondents have been occupying a portion of land owned by the petitioner for a period of forty years by raising tin shed structure therein and have not encroached upon any portion of the land of NHAI being L.R.Plot No. 253.

Learned counsel appearing on behalf of the petitioner denies and disputes the submission made by the learned counsel appearing on behalf of the private respondents.

It is submitted on behalf of the respondents that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to treat the writ petition as representation submitted by the petitioner and consider and dispose of the same within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents, in accordance with law.

The petitioner is directed to serve a copy of the writ petition along with a copy of this order to the 3rd respondent within 7 days from date.

There shall be, however, 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)