

11.07.2023
rc/ct.no.10
Item No.30

WPA No. 3187 of 2023
Prafulla Das & Ors.
Versus
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar
Ms. Jagriti Bhattacharya ...for the petitioners

Mr. Soumitra Bandyopadhyay ...for the State

Mrs. Monika Roy ...for the NHAI

The petitioners assailed the notice of eviction dated September 13, 2022 and the reference number NHAI/PIU-KOL/WPA 23246/2022/3683 dated December 02, 2022.

The notice dated September 13, 2022 has culminated in the order impugned passed on December 02, 2022 the said order being pursuant to notice issued under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002 (hereinafter referred to as “the Act of 2002”). The order is amenable to appeal under Section 14 of the Act of 2002.

In view of the above, the writ petition is dismissed as not maintainable.

However, liberty is granted to the petitioners to prefer statutory appeal against the order impugned before the appropriate forum.

In the event the petitioners prefer an appeal within 15 days from date, the appellate forum is directed to deal with the appeal on merits without dismissing the same on the ground of limitation.

There shall however be no order as to costs.

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

(Suvra Ghosh,J)