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04.07.2023
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W.P.A. 6346 of 2022
(Tarun Kr. Sur vs. Union of India & Ors.)

Mr. Krishna Das Podder
.... For the Petitioner

Ms. Manika Ray
.... For the NHAI

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

None appears for the State as well as for the private respondents despite service.

Mr. Chandi Charan De who is present in Court and usually appears for the State is requested to represent the State in this matter along with a junior of his choice. The appointment of Mr. De, learned advocate and Mr. Anirban Sarkar, learned advocate be regularised by the office of the learned Legal Remembrancer. Copy of the writ petition be served upon Mr. De in course of the day.

The petitioner claims to be recorded owner of the plot in question and complains that the private respondents have raised unauthorised construction by encroaching upon a portion of the National Highway adjoining his plot, thereby obstructing his egress and ingress completely. The petitioner seeks to submit a comprehensive representation before the concerned authority ventilating his grievance and prays for a

direction upon the authority to consider the representation at the earliest.

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

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the third respondent within seven days from date. The third respondent be directed to consider and dispose of the representation within three months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents, in accordance with law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)