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06.10.2023
Ct. No.10
b.das

WPA 7860 of 2023

Ashok Mandal & Anr.
Vs.
Union of India & Ors.

Mr. Salil Kumar Maiti	
Ms. Pinki Saha	
Ms. Dolan Samanta	...for the petitioners.
Mr. Chandi Charan De	
Mr. Anirban Sarkar	...for the State.
Ms. Manika Roy	...for NHAI.

Report in the form of affidavit submitted on behalf of the National Highways Authority of India is taken on record.

Heard learned counsels for the parties.

The petitioners complain unauthorised construction on the land of the National Highways by the private respondents.

The report submitted on behalf of the National Highways Authority of India supports the contention of the petitioners and records that notice under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002 has been issued upon the encroachers/private respondents herein and the matter was decided to be heard on 28th August, 2023.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since proceeding under the Act of 2002 has been initiated

by the National Highways Authority of India, the said proceeding be concluded within a stipulate time frame.

The writ petition is accordingly disposed of directing the 2nd respondent to take the proceeding under the Act of 2002 to its logical conclusion within a period of three months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

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.)