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jdt.

24.07.2023
jb.

W.P.A. 7873 of 2023
(Swapn Kumar Majumdar & Ors. vs. State of West Bengal & Ors.)

Mr. Uttiya Ray
Mr. Arnab Mondal
.... For the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

Mr. Subrata Bhattacharya
.... For the Respondent No. 3

Mr. Falguni Majhi
.... For the Respondent No. 5

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

It is submitted on behalf of the petitioners that pursuant to a notice issued by the National Highways Authority of India on 16th November, 2022 under Section 28 (2) of the Control of National Highways (Land and Traffic) Act, 2002, the petitioners were called for hearing by the authority on 2nd December, 2022 which was rescheduled on 5th December, 2022 and were directed to submit documents or objection, if any, against demarcation of the plot in question being plot No. 305 in mouza Alisha, which, according to the authority, belonged to the Government.

Upon hearing the petitioners and other relevant authorities, it was unanimously resolved that a joint site measurement would be held for proper demarcation of the National Highway's land. Such demarcation was made in

presence of the petitioners following which the notice for removal of encroachment was served upon the petitioners by the National Highways Authority of India on 16th January, 2023 without serving copy of the sketch map of demarcation to the petitioners. The petitioners, by a representation submitted on 20th January, 2023 requested the authority to make over a copy of the duly authenticated map of demarcation indicating the allegedly encroached portion.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the third respondent be directed to deal with the representation submitted by the petitioners dated 20th January, 2023 and make over a copy of the authenticated copy of sketch map of demarcation to the petitioners within one month from the date of communication of this order.

Pending disposal of the representation, no coercive step be taken against the petitioners in respect of the plot in question.

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.)