

17.04.2023
Item No.5
gd/ssd

WPA(P)/150/2023
RATAN DUTTA AND ANOTHER
VS
UNION OF INDIA AND ORS.

Mr. Uday Sankar Chatterjee,
Mr. Suman Sankar Chatterjee,
Mr. Trish Rakshit,
Mr. Rajarshee Tah

... for the petitioners.

Mr. Brajesh Jha

... for the Respondent No.1.

Ms. Manika Roy

... for NHAI.

1. By this public interest litigation the petitioners seek for a direction upon the National Highways Authorities to construct an Underpass near Dag No. C.H. 573 in National Highway 2 at Village and Post Office-Joteram, Bamchandaipur, District-Purba Bardhaman.

2. As pointed out by the Hon'ble Supreme Court, it is not for this Court to decide as to where an Underpass has to be constructed or other facilities have to be provided in respect of a National Highway as it has been held that the National Highways Authority of India is an expert body and all these matters are better left to the decision of the expert body. Therefore, the reliefs sought for in the writ petition cannot be granted and the writ petition is dismissed.

3. However, this will not preclude the writ petitioners from pursuing their representation before the appropriate authorities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)