

19.06.2023
Item No.15
PG/KS
Ct. No.1

W.P.A.(P) 262 of 2023

**Sri Suvendu Adhikari
VS
Union of India & Ors.**

Mr. Soumya Majumder
Mr. Suryaneel Das
Mr. Chiranjit Pal
.....For the Petitioner

Mr. Biswabrata Basu Mallick
Mr. Amrita Lal Chatterjee
.....For the State

Mr. Asok Kumar Chakraborty, Ld. A.S.G.
Mr. Ayanabha Raha
.....For the Union of India

1. None appears for the State. Mr. Biswabrata Basu Mallick, learned advocate along with Mr. Amrita Lal Chatterjee, learned advocate are present in Court. They are requested to appear in this matter. Their appointment shall be regularized by the learned Legal Remembrancer.
2. By this public interest litigation, the petitioner would state that on 6th May, 2023, the rulling dispensation of the State being a regional party in the State of West Bengal conducted a political rally at Farakka in the district of

Murshidabad by blocking NH – 12 thereby causing great inconvenience to the general public. In this regard, the petitioner has given a representation to the Hon'ble Minister of Road Transport and Highways, Government of India on 8th May, 2023 bringing to light the said matter.

3. Mr. Majumder, learned advocate appearing for the petitioner submitted that the act of preventing the general public to have free access of the said highway on the said day is in violation of Section 8B of the National Highways Act, 1956 and in case such a violation takes place, the punishment, which is imposable under the said provision is imprisonment for a period of five years.
4. Further, it is submitted that the blocking of the National Highway is in violation of Section 29(2) of Control of National Highways (Land and Traffic) Act, 2002 since it was done without any authorization and, therefore, it is illegal.
5. We find that the representation has not been given to the concerned Secretary of the

Government of India but has been addressed to the Hon'ble Minister. For the grievance of the petitioner to be redressed, the representation ought to have been addressed to the 1st respondent.

6. Therefore, we dispose of this writ petition giving liberty to the petitioner to submit a representation to the 1st respondent enclosing all materials and if such representation is made within a period of three weeks from date, the 1st respondent shall consider the same and dispose of the same as expeditiously as possible after calling for a report from the concerned authorities of the National Highways Department and the State of West Bengal.

7. Though, allegations have been made against the ruling dispensation of the State of West Bengal, they having not been made a party to the writ petition, we have not gone into the allegations made therein and we dispose of this writ petition by directing the petitioner to give a fresh representation coupled with the directions to the 1st respondent to consider the same in accordance with law.

8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(AJAY KUMAR GUPTA, J.)