

27.09.2023
rc/ct.no.10
Item No.17

WPA No. 17064 of 2023
Narayan Chandra Manna & Ors.
Versus
Union of India & Ors.

Mr. Salil Kumar Maiti	
Mrs. Dolan Samanta	...for the petitioners
Mr. Chandi Charan De	...for the State
Mrs. Monica Roy	..for the NHAI

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

None appears on behalf of the respondents despite service.

Mr. Chandi Charan De, learned advocate, who usually appears on behalf of the State respondents and is present in Court today, is requested to represent the State respondents in this matter. The office of the learned Legal Remembrancer is requested to regularise the service of Mr. De in this matter.

The petitioner is directed to serve a copy of this application along with annexures thereto upon Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioners allege unauthorised construction made by the private respondents by encroaching upon a portion of the Government land. Pursuant to an order passed by a coordinate Bench of this Court on March 13,

2023 in WPA No. 4334 of 2023, the Sub-Divisional Officer and Sub-Divisional Magistrate, Haldia by an order passed on August 21, 2023 referred the matter to the Project Director, PIU-Kolkata, National Highways Authority of India for consideration. Accordingly, the petitioners have submitted a representation before the concerned authority, being the 2nd respondent herein, on May 08, 2023 which is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 2nd respondent be directed to consider the representation of the petitioner in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner on May 08, 2023 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observation and direction this writ petition is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)