

09
26.07.2023
Ct. No.10
b.das

WPA 17184 of 2023

Sahanara Begum
Vs.
Union of India & Ors.

Mr. Satadal Chatterjee
Mr. M. I. A. Lodhi
Ms. D. Bhowmick ...for the petitioner.

Mr. Ansar Mandal
Mr. T. K. Suri
Ms. S. Dey ...for the State.

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

None appears for the National Highways Authority of India, Union of India and Howrah Municipal Corporation despite service.

Ms. Manika Roy, who usually appears for the National Highways Authority of India and is present in Court, is requested to represent the authority in the matter. Her appointment be regularized by the National Highways Authority of India.

The petitioner should serve copy of the writ petition alongwith all annexures thereto to Ms. Roy in course of this day.

The petitioner claims to be in possession of the plot in question since long and complains that the National Highways Authority of India has served a notice upon her under Section 26(2) of the Control of National Highways

(Land and Traffic) Act, 2002 on 15th June, 2023 alleging unauthorised occupation of the plot.

Pursuant to the said notice, the petitioner appeared before the authority but no order was passed by the authority upon hearing the petitioner.

The petitioner seeks to submit a comprehensive representation before the concerned authority requesting the authority not to disturb her peaceful possession in respect of the plot in question and also for her rehabilitation and prays for direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the National Highways Authority of India that the 2nd respondent be directed to consider the representation submitted by the petitioner, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the concerned authority, within 7 days from date. The 2nd respondent is directed to consider and dispose of the representation within a period of one month from the date of receipt thereof after granting reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at

liberty to deal with the representation of the petitioner independently and without being influenced by any observation that may have been made in this order.

Pending disposal of the representation, the respondent authority is restrained from disturbing the peaceful possession of the petitioner in respect of the plot in question.

With the above observations and directions the writ petition being WPA 17184 of 2023 is disposed of.

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.)