

WPA 18428 of 2022

Saswati Bera
Vs.

National Highway Authority of India & Ors.

Adv. Sujit Kumar Rath,

...for the petitioner.

Adv. Manika Roy,
Adv. S.A. Munshi,

...for the NHAI.

None appears for the State respondents. No accommodation is sought.

Heard learned counsels for the petitioner and the National Highway Authority of India.

The petitioner prays for a direction upon the State respondents to consider her representation submitted before the authority on 6th July, 2022 requesting settlement of the plot in question adjoining her own property, by virtue of a lease.

It is contended on behalf of the petitioner that the petitioner has her residential house in plot no.694 owned by her and the balance area of the plot which is acquired by the P.W.D. is being maintained by the petitioner by way of beautification. The petitioner has applied for grant of lease in respect of the said portion of the plot.

It is submitted on behalf of the National Highway Authority of India that since the plot in question is under the management and control of the State respondents, the

National Highway Authority of India has no role to play herein.

Since the representation submitted by the petitioner is pending before the authority, the writ petition being WPA 18428 of 2022 is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 6th July, 2022 within one month from the date of communication of this order upon affording 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.

A copy of the representation along with copy of this order be furnished to the 4th respondent by the petitioner at the earliest.

It is made clear that this Court has not gone into the merit of the case and the concerned authority shall be at liberty to deal with the representation submitted by the petitioner independently without being influenced by any observation that may have been made in this order.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)