

AD-21
Ct No.09
04.10.2023
TN

WPA No. 19879 of 2023

Gosto Patra
Vs.
The State of West Bengal and others

Mr. Srijib Chakraborty,
Mr. Suryaneel Das,
Mr. Deeptangshu Kar

.... for the petitioner

Mr. Debjit Mukherjee,
Ms. Nilanjana Banerjee

.... for the State

- 1.** Learned counsel for the petitioner argues that a huge toll plaza is being constructed on a highway immediately in front of the house and shop of the petitioner. Such construction shall ruin the only means of livelihood of the petitioner, it is argued.
- 2.** It is submitted that previously the toll plaza was going to be constructed in front of a petrol pump but subsequently has been shifted to the present location due to objection by the petrol service station.
- 3.** It is contended that the petitioner's rights are being unlawfully trampled by way of the said construction.
- 4.** Learned counsel for the State submits that an administrative approval was accorded for

construction of 27 (twenty seven) toll plazas at different State Highways within West Bengal during the year 2022-23 under PM-Gatishakti. The present toll plaza is one of them which is being constructed at Kanchkol More, 12.50 Km off the Barasat-Basirhat Road (State Highway-2). The construction of the said toll plaza is being done within PWD land. It is further submitted that there will be no issues to the free ingress and egress to the petitioner's residence as well as shop due to construction of the said toll plaza. A written instruction in that regard filed today by the State is kept on record.

- 5.** It is settled that the interest of an individual, under normal circumstances, has to give way to public interest.
- 6.** Since the toll plazas being built on the State Highways relate to infrastructure and, thus, fall within the domain of public interest, the said construction ought not to be interfered with at the drop of a hat.
- 7.** Although the petitioner might have justification in arguing that the commercial viability of his shop as well as the location of the house of the petitioner shall be adversely affected by the said construction, such factor, without anything to

supplement the same, does not vitiate the construction of the toll plaza at the proposed location. In any event, the State has categorically submitted that the ingress and egress to the residence or shop of the petitioner shall not be hampered in any manner due to the construction of the toll plaza.

- 8.** Keeping such undertaking of the State by way of written instructions filed today on record, WPA No. 19879 of 2023 is disposed of with liberty to the petitioner to file a suit for compensation/damages, if the petitioner feels the same to be justified, before a competent civil court, if need be. However, the construction of the toll plaza-in-question is not interfered with.
- 9.** There will be no order as to costs.
- 10.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)