

04.09.2023
Item No.08
RP/AN
Ct. No.1

WPA (P) 463 of 2023
Sanjoy Chanda & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Shamik Chatterjee
Mr. Aditya Bikram Mahata
Mr. Sahil Kabir
... for Petitioners
Mr. Billwadal Bhattacharyya, Ld. DCSI
Mr. Arijit Majumdar
... for UOI
Sk. Md. Galib
Ms. Sujata Mukherjee
... for State of West Bengal

1. The petitioners pray for appropriate direction on the official respondents to consider the representation, which has been given to the authorities on 4th August, 2023, This representation is, in fact, a reminder to the earlier representation, which is in the nature of a mass petition signed by several persons requesting for construction of an underpass in and around the Palparamore within Bhatjangla Gram Panchayat in National Highway No.12. Several features regarding the locality have been pointed out in the representation and it is submitted that even if an underpass is constructed, it will be beneficial to the local public, as the area, namely, Palpara Junction, is a very busy locality and it connects the two

National Highways leading to Krishnanagar and Bahrempore.

2. This Court is not inclined to pass any direction to the authorities, more particularly, the National Highways Authority, in a writ petition to construct an underpass or a service road or a bridge as this Court is conscious of the fact that it is held in several decisions that the National Highway Authority of India is a technical body which will consider various issues before finalising the alignment of a National Highway and also decide upon the access points to the National Highway bearing in mind various factors. Therefore, this Court will not be justified in issuing positive direction as sought for by the writ petitioner, more particularly, when the highway has already been constructed and it is operational. However, since the petitioners have made a representation, the authorities, namely, the National Highway Authority of India, can look into the representation and examine the feasibility of considering such representation. In the light of the above, without expressing any opinion on merits of the contentions raised by the petitioners, we direct the respondent nos.3 and 4 to consider the petitioners' representation dated 4th August, 2023 and pass an appropriate order on merits and in accordance with

law. In order to facilitate this directions, the petitioners are directed to send copy of the representation dated 4th August, 2023 as also copies of the earlier representations, which have been given along with a copy of the order and forward the same to the respondent nos.3 and 4. The above direction shall be complied with as expeditiously as possible, preferably within a period of four weeks from receipt of the server copy of this order.

3. With the aforesaid direction, this writ petition is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)