

27.09.2023
rc/ct.no.10
Item No.327

WPA No. 22240 of 2023
Pratima Chakraborty & Anr.
Versus
Union of India & Ors.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Gurudas Bandhupadhyay ...for the petitioners

Mr. Soumitra Bandyopadhyay
Mr. Srinath Singha Ray ...for the State

Mr. Sukumar Bhattacharyya
..for the respondent nos. 1 & 2

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

None appears on behalf of the National Highway Authority of India (in short, NHAI) despite service.

On the prayer of the petitioners liberty is granted to implead the Project Director, National Highways of India, PIU-Kolkata as respondent no. 10 in the writ petition.

The cause of this writ petition be amended accordingly.

The petitioners challenge the notice issued upon them on June 15, 2023 by the NHAI directing them to remove unauthorised occupation from the plots in question within 7 days from the date of service of the notice. Petitioners were granted liberty to submit a representation in this regard before the concerned authority within three days from the date of service of notice. Petitioners seek liberty to submit such representation before the concerned authority, being the

10th respondent herein and pray for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 10th respondent within 7 days from date. The 10th respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

Since the 10th respondent is not represented, the petitioners are directed to serve a copy of this order along with a copy of representation upon the 10th respondent at the earliest.

Pending disposal of the representation, the notice dated June 15, 2023 is stayed.

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

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

(Suvra Ghosh,J)

