

29.02.2024
rc/ct.no.10
Item No.692

WPA No. 1118 of 2024
Sri Pradeep Kumar Dey & Anrs.
Versus
Union of India & Ors.

Mr. Debanik Banerjee	
Mr. Prosenjit Saha	
Mr. Jayanta Kr. Dhar	..for the petitioners
Ms. Monika Roy	...for the NHAI
Mr. Ansar Mondal	...for the State

Heard learned counsels for the parties.

The petitioners have assailed the notices issued by the authority under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002. The petitioners have submitted objections to the said notices which are yet to be considered. The petitioners submit that no coercive steps be taken against them in respect of the building in question prior to consideration of their objections by the authority.

Learned counsel for the National Highways Authority of India submits that the writ petition is premature since the cause of action of the petitioners shall arise only upon disposal of the objections filed by them.

Upon consideration of the submission made by the parties, this Court is inclined to hold that since the petitioners have filed objections against the notices issued against them by the authority, the concerned authority

being 2nd respondent be directed to consider and dispose of the objections within two weeks from the date of the communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

Pending disposal of the objections, no coercive steps be taken against the petitioners by the authority in respect of the building in question.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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)