

2
jdt. **25.01.2024**
 jb.

W.P.A. 1551 of 2024
(Swarnali Saha vs. Union of India & Ors.)

Mr. Ayan Banerjee
Mr. Soumo Choudhury
 ... For the Petitioner
Mr. Subit Majumder
Mr. Pramod Kr. Drolia
 ... For the Union of India
Mr. Ansar Mondal
Md. Idrish
 ... For the Respondent Nos. 2 and 6

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

None appears for the National Highways Authority of India despite service.

The notice issued by the 5th respondent, the Project Director, National Highways Authority of India under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002 on 1st January, 2024 is assailed in the writ petition.

Learned counsel for the petitioner submits that the plot in question was purchased by the petitioner who is in possession of the same. The record of rights is also in the name of the petitioner. Pursuant to the notice impugned, the petitioner submitted a written complaint under Section 23(3) of the Act of 2002 before the authority on 17th January, 2024 which is yet to be considered. The petitioner seeks a direction upon the authority to consider the said written complaint prior to implementation of the notice issued on 1st January, 2024.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the written complaint submitted by the petitioner under Section 23(3) of the Act of 2002 is pending before the authority, the concerned authority being the 5th respondent herein, be directed to consider and dispose of the said written complaint within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The order impugned dated 1st January, 2024 be stayed till one week after communication of the decision.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)