

08.02.2024

Ct. no.654

Sl. No.94

sn

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 1904 of 2023

Dilip Kumr Sautya

Vs.

Union of India & Ors.

Mr. Salil Kumar Maiti

..for the petitioner

Mr. Jayanta Samanta

Ms. Indumouli Banerjee

..for the State

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

This is an application under Article 226 of the Constitution of India filed by the petitioner praying for removal of unauthorised construction over the land of the National Highways Authorities undertaken by the private-respondent nos. 9 and 10.

Mr. Salil Kumar Maiti, learned advocate for the petitioner submits that the private respondents have made unauthorised construction over the abandoned portion of the land belonging to the National Highways Authorities lying in front of the raiyati land of the petitioner being plot nos. 461, 463, 464, 465, 466 and 467 within Mouza-Brajlalchak, Purba Medinipore and due to such unauthorised construction, the ingress and egress of the land of the petitioner is affected. The petitioner made a representation before the concerned authorities for removal of such unauthorised

construction. Since no steps have been taken, the petitioner is constrained to file this writ petition for appropriate orders. He seeks for direction upon the State authorities for considering the representation of the petitioner dated 22nd December, 2022.

Despite service, none appears on behalf of the National Highways Authorities.

Mr. Jayanta Samanta, learned advocate for the State respondents leaves the matter to the discretion of the Court.

Upon hearing the learned advocates for respective parties and considering the materials on record, the Chief General Manager(Tech.) & Regional Officer, National Highway Authority of India, Kolkata Synthesis Business Park being the respondent no.4, is directed to dispose of the representation of the petitioner dated 22nd December, 2022 within a period of two months from the date of communication of this order after giving an opportunity of hearing to all interested parties including the petitioner and the private respondent nos. 9 & 10 by reasoned order in accordance with law.

The result of such disposal be communicated to the petitioner within a week thereof.

The learned advocate on record for the petitioner is directed to communicate this order to the Chief General Manager(Tech.) & Regional Officer, National Highway

Authority of India, Kolkata Synthesis Business Park being the respondent no.4.

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

It is made clear that the Court has not gone into the merits of the case.

With the above directions, this writ petition being **WPA 1904 of 2023** stands disposed of along with all connected applications, if any.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)