

04.01.2024  
Ct. 654  
D/L 6  
ab

**WPA 2281 of 2023  
(Specially Assigned)**

**Abu Mohammad Mallik  
-Vs-  
The Union of India & Ors.**

Mr. Raj Kumar Sain,  
Mr. P. Guria

... for the petitioner

Mr. Chandi Charan De,  
Mr. Anirban Sarkar

... for the State

Ms. Manika Roy,  
Ms. Shinjita Ray

... for the NHAI

This writ petition is filed under Article 226 of the Constitution of India for initiating appropriate proceedings in respect of eviction of unauthorized occupants over the land in question.

Mr. Raj Kumar Sain, learned advocate for the petitioner submits that the petitioner made a representation before the Project Director, National Highways Authority of India being the respondent no. 2 herein, on 28<sup>th</sup> November, 2022 for removal of unauthorised construction but till date such representation has not been disposed of. He prays that appropriate order be passed for disposal of such representation of the petitioner by the respondent no. 2.

Ms. Manika Roy, learned advocate for the respondent no. 2-National Highways Authority of India submits that she has no instruction that the land in question falls within the authority of NHAI. However, she submits that direction may be passed for disposal of such representation.

Upon considering the submissions made on behalf of the respective parties, the respondent no. 2, Protect Director, NHAI is directed to dispose of the representation of the petitioner dated 28<sup>th</sup> November, 2022 (received by the office of the respondent no. 2 on 01.12.2022) within a period of two months from the date of communication of this order by passing a reasoned order after giving opportunity of hearing to all the parties including the petitioner.

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

The petitioner is directed to communicate this order to the office of the respondent no. 2.

Since no affidavit-in-opposition has been directed to be filed, hence the allegations made in the writ petition are deemed to be not admitted.

It is made clear that this Court has not gone into the merits of this writ petition.

With the aforesaid observations, the writ petition being **WPA 2281 of 2023** is disposed of along with connected applications.

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

( **Bivas Pattanayak, J.**)