

WPA 7781 of 2022

Krishna Dubey
Vs.
Union of India & Ors.

Mr. Anindya Bose
Mr. Santanu Maji ...for the petitioner.

Ms. Kanika Gupta ...for respondent no.1.

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

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

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition along with all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioner was slapped with a notice under Section 26(2) of the Control of National Highways (Land & Traffic) Act, 2002 directing him to remove unauthorised occupation within 7 days from receipt of the notice. Hearing was conducted by the authority but, according to the petitioner, he was not allowed to adduce any evidence in the hearing.

The petitioner submitted an objection in this regard before the concerned authority on 15th April, 2022 which is yet to be considered. The petitioner prays for a direction upon the authority to consider the objection at the earliest.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider and dispose of the objection, in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the objection submitted by the petitioner dated 15th April, 2022 within a period of two weeks 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.

Since the 3rd respondent is not represented, the petitioner is directed to serve copy of the writ petition along with copy of this order upon the 3rd respondent at the earliest.

The 3rd respondent is restrained from taking any coercive action against the petitioner in respect of the plot in question till disposal of the objection.

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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)