

Item No.20
15.07.2024
Court. No. 9
GB

W.P.A. 17771 of 2024

Usha Filling Station
Vs.
The Union of India & Ors.

*Mr. Sattwik Bhattacharya,
Mr. Arup Kumar Mondal,
Mr. Sambuddha Mondal*

...for the Petitioner.

*Mr. Subrata Bhattacharyya,
Ms. Shipra Santra*

...for the NHAI.

The writ petition is disposed of directing the petitioner to file a detailed representation before the Project Director, Project Implementation Unit, NHAI Complex, Sector 2(A), Bidhannagar, Durgapur, as an answer to the notice issued to the petitioner on July 5, 2024.

The petitioner will submit all documents in support of his contention that he had been issued a licence for construction of the access road to his petrol pump with due permission not only from the NHAI but also from the IOCL. The authority shall follow the procedure in terms of the Act and dispose of the petitioners reply/representation upon coming to a specific finding with reasons as to why the access from NH-19 to the petitioner's outlet was found to be unauthorized and without prior approval/NOC. The petitioner has relied upon certain documents which shows that permission had been obtained from the appropriate authorities.

The appropriate authority under the law shall grant an opportunity of hearing to the petitioner and pass necessary orders. Till such decision is taken, the access road shall not be demolished. The authority will dispose of the matter within a month from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)