

16.08.2024

Serial no. 13

Dd

**CPAN 1122 of 2022
With
IA NO: CAN 1 of 2023,
CAN 2 of 2023
in
WPA 4971 of 2019**

**Dr. Goutam Mukherjee & Ors.
Vs.
Smt. Alka Upadhyay, Chairman, Natinal
Highway Authority of India & Ors.**

Ms. Malabika Saha, Advocate
... .. for the Petitioners

Ms. Manika Roy,
Ms. Ankita Chowdhury, Advocates
... ..For the NHA

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal, Advocate
... ..For the alleged contemnors nos. 3-5

Report by way of an affidavit as called for by
the order dated December 15, 2023 filed in Court
be taken on record.

It appears from such report that a meeting
was held between all stake holders with regard to
removal of encroachments. In fact, two several
meetings were held namely, on December 20, 2023
and January 10, 2024.

It is submitted on behalf of the NHA
Authorities that removal of encroachments from 450
meters of area still remains. In fact, according to
NHA Authorities, it is not exactly an encroachment
in the sense that public encroached upon the
service road. It is, in fact, removal of water pipe
line and gas pile line located at this place.

It is submitted on behalf of NHAI Authorities that, work necessary for such purpose is likely to be completed by the end of November 2024.

State and the writ petitioner are represented.

Learned advocate appearing for the writ petitioner submits that, the service road is 4 meter wide while it should be 5.5 meters. In any event, there are further encroachments.

Contention of the writ petitioner with regard to the removal of encroachment from the service road is disputed by NHAI Authorities. It is submitted that, encroachments from the service road were removed. There may be encroachments on land appertaining to the service road over which NHAI Authorities do not have control.

Contempt petition is pending for a considerable period of time. NHAI Authorities took steps for the purpose of removal of encroachments. Only a portion of 450 meters remains outstanding and that too, for the purpose of removal of utilities.

In such circumstances, in my view further orders under the Contempt of Courts Act, 1971 and Article 215 of the Constitution of India are not warranted.

CPAN 1122 of 2022 along with connected applications are **disposed of** without any order as to costs.

(Debangsu Basak, J.)