

Court No. 2
25.11.2024
(Item No. 29)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25689 of 2024

Narayan Chandra Manna & Ors.
VS
The Union of India & Ors.

Mr. Salil Kumar Maiti
Ms. Dolon Samanta
.... For the petitioners
Mr. Chandi Charan De
Ms. Reshma Chatterjee
.... For the State
Ms. Paromita Banerjee
Mr. Sayan Dey
.... For respondent Nos. 2, 3 & 7
Mr. K. M. Hossain
Ms. Keya Sutrodhar
.... For respondent Nos. 12-19, 22 & 23

Affidavit-of-service, filed in Court today, is
taken on record.

Mr. Salil Kumar Maiti, learned counsel appears
for the petitioners.

Mr. Chandi Charan De, learned Additional
Government Pleader appears for the respondent Nos.
5 to 11.

Mr. Sayan Dey, learned advocate appears for
respondent Nos. 2, 3 and 7, National Highway
Authority.

Ms. Keya Sutrodhar, learned advocate led by
Mr. K. M. Hossain, learned counsel appears for
private respondent Nos. 12 to 19, 22 and 23.

This is the second round of writ litigation on
the self-same issue. The first writ petition **W.P.A.**
17064 of 2023 was disposed of by a co-ordinate

bench on **September 27, 2023, annexure P-5** at **page 67** to the writ petition with the following observation:

“In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner on May 08, 2023 within a period of three months from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

With the above observation and direction this writ petition is disposed of.

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

Since no affidavit is invited, the allegations contained in the petitioner are deemed not to be admitted.”

Pursuant to the above direction of the coordinate bench the respondent No. 2 passed the reasoned order dated **March 14, 2024, annexure P-7** at **page 71** to the writ petition. The conclusion is quoted below:

“CONCLUSION:-

Thus, the Representations dated 08.05.2023 and 05.03.2024 of the 1st Party/Petitioners is considered and allowed for the afore-said reasons.

The Representation dated 05.03.2024 of the 2nd Party/Private Respondent is considered and rejected; for the afore-said reasons.

It is pertinent to mention that for removal of the said unauthorised occupation and encroachments steps have been initiated under Section 26 of the Control of the National Highways (Land & Traffic) Act, 2002 by way of the issuance of the required Notices under Section 26(2) and the hearing stands concluded. The 2nd Party/Private Respondents are directed to remove the unauthorized occupation/encroachments from the Schedule of the Land as stated above and handover the vacant physical possession of the National Highway Land latest by 31.03.2024,

otherwise appropriate action in accordance with law will be required to be initiated for removal of the subject unauthorized occupation/encroachment.

In view of the afore-said Reasons; the Representation dated 08.05.2023 of the 1st Party/Petitioners; the Representation dated 05.03.2024 of the 1st Party/Petitioners and the Representation dated 05.03.2024 of the 2nd Party/Private Respondents stands DISPOSED OFF.

This disposal order is passed in compliance of the directions/order dated 27.09.2023 in WPA No. 17064 of 2023.

This is without prejudice to the right and contentions available to the PIU-Kolkata, NHAI.”

None of the parties have challenged the said reasoned order dated **March 14, 2024** passed by the respondent No. 2 and the same is still in force.

In view of the above, to give an immediate effect to the said reasoned order dated **March 14, 2024** the respondent No. 2 shall immediately call a meeting upon a prior notice of at least seven days to the petitioners, respondent Nos. 5 to 11 and private respondent Nos. 12 to 23 and shall frame out the scheme for implementation of the said reasoned order dated **March 14, 2024**.

The entire exercise shall be carried and completed by the respondent No. 2 positively within a period of **six weeks** from the date of communication of this order.

It is needless to mention that, if any agreed scheme is framed by and between the parties who shall be attending the meeting before the respondent No. 2 then the order dated **March 14, 2024** shall be

implemented accordingly in accordance with law. In the event, no agreed scheme is framed, then the respondent No. 2 along with other jurisdictional State authorities shall forthwith implement the said order dated **March 14, 2024** in accordance with law.

In course of the meeting before the respondent No. 2, as directed above, a joint minutes shall be drawn up which shall be and must be signed by all the participating parties.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 25689 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)