

Court No. 2
18.11.2024
(Item No. 6)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 26113 of 2024

Amulya Chandra Nandy Memorial Trust
VS
The State of West Bengal & Ors.

Mr. Saptangsu Basu, Sr. Advocate
Mr. Soumava Mukherjee
.... For the petitioner
Mr. Dipankar Das
.... For respondent Nos. 2 to 4
Mr. Satyajit Talukdar
Mr. Arindam Chatterjee
.... For respondent No. 5

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

The petitioner in effect asks for access to its
subject land. The representation of the petitioner
dated **October 7, 2024, annexure P-7** at **page 63** to
the writ petition addressed to the respondent No. 4
has already been disposed of by the respondent No. 4
by its decision dated **October 24, 2024**.

Mr. Saptangsu Basu, learned senior counsel
appears for the petitioner.

Mr. Dipankar Das, learned counsel appears for
respondent Nos. 2 to 4.

Mr. Satyajit Talukdar, learned counsel appears
for respondent No. 5.

State is not represented.

Learned counsel Mr. Dipankar Das, appearing for respondent Nos. 2 to 4 submits a copy of the communication dated **October 24, 2024** issued under the signature of the respondent No. 4, the same is taken on record. The relevant portion from the said communication is quoted below:

“In this regard, it is to request you to submit your proposal for access permission from Kalyani Expressway as per the guidelines for grant of permissions for access published by the (MoRTH) Ministry of Road Transport & Highways, Govt. of India vide No. RW-NH-33032/01/2017-S&R(R) dated 26.06.2020 along with its amendments & clarifications thereof for further action from this end.”

In view of the above, the petitioner shall be at liberty to submit its proposal for access permission from Kalyani Expressway as per the relevant guidelines mentioned in the said communication dated **October 24, 2024**, quoted above.

In the event, such a proposal is submitted by the petitioner, the respondent No. 4 upon issuing a prior hearing notice of at least seven days to the petitioner and other interested parties, if any, shall decide the said application after granting them an opportunity of hearing by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 4 positively within a period of **six weeks** from the date of receiving the said proposal application from the petitioner.

It is made clear that, this Court has not gone into the merits of this writ petition and the petitioner and other interested parties, if any, shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 4.

It is further made clear that, this order shall not create any right or equity in favour of the petitioner or any other interested parties, if any, if they do not succeed to their respective contentions strictly in accordance with law before the respondent No. 4.

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 **W.P.A. 26113 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.)