

15th May,
2024
(AK)
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W.P.A 25547 of 2023

Achintya Samanta
Vs.
The National Highway Authority of India and others

Mr. Sukumar Ghosh
Ms. Moumita Ghosh
...for the petitioner.
Ms. Manika Roy
Ms. Shinjita Ray
...for the NHAI.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioner submits that the private respondent had encroached a portion of the petitioner’s property as well as property of the National Highway.
3. The petitioner has given several representations to all the authorities in that regard but to no effect.
4. The limited conspectus of the present challenge is against the alleged inaction of the Highway Authorities against such purported encroachment by the private respondent.
5. However, this court at this stage cannot go into the merits of the allegations made in the writ petition and it is for the Highway Authorities, upon conducting due enquiry through appropriate

authorities, to come to a *prima facie* conclusion in that regard.

6. Accordingly, WPA 25547 of 2023 is disposed of by directing the respondent nos.1 and 2 to ensure that the representations given by the petitioner and annexed to the writ petition with regard to alleged encroachment of Highway property by respondent no.7 are dealt with and, upon proper enquiry being conducted through appropriate authorities, to come to a *prima facie* conclusion as to whether such encroachment might have taken place.
7. It is expected that such exercise shall be concluded within four weeks from date.
8. Upon such enquiry, if it found that *prima facie* there is unauthorized encroachment by respondent no.7 on Highway Authority property, the said authorities shall initiate appropriate steps in accordance with law for removal of such encroachment.
9. There will be no order as to costs.
10. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)