

30.07.2024
Ct. No. 2
Sl. No. 45
tbsr

WPA 26351 of 2022

**Ranjit Singh Bedi & Anr.
Vs.
Union of India & Ors.**

Mr. Gourab Ghosh
....for the petitioners

Ms. Manika Roy
Mr. Shinjita Ray
....for the NHAI

Mr. Debanik Banerjee
....for the Union of India

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

Mr. Gourab Ghosh, learned counsel appears for the petitioners.

Ms. Manika Roy, learned counsel appears for the respondent nos. 2 & 3.

Mr. Debanik Banerjee, learned counsel appears for the Union of India.

The rest of the respondents are not represented, despite notice.

The petitioners complain of an alleged unauthorized construction and encroachment of the highway land in front of the dwelling houses of the petitioners at the behest of the private respondent nos. 8 & 9. The petitioners submitted representation dated

April 6, 2022, Annexure P-3 at page 42 to the writ petition before the National Highway Authority but the same has not yet been considered.

Learned counsel appearing for the Highway Authority submits that the Project Director, Implementation Unit of the concerned Highway is the appropriate authority to take a decision. However, neither the representation has been addressed to such Authority nor the said Authority is impleaded in the writ petition.

In view of the above, to sub-serve justice, the petitioners within **three weeks** from the date shall submit a representation before the Project Director, Implementation Unit but the same shall not travel beyond the scope of the said representation dated April 6, 2022, as referred to above.

In the event, such representation is submitted by the petitioners, the Project Director, Implementation Unit upon issuing a prior notice to the petitioners and the private respondents shall cause a physical inspection of the alleged unauthorized encroachment and construction and then after giving them an opportunity of hearing shall dispose of the said representation positively within a period of **six weeks** from the date of receiving such representation from the petitioners. The Project Director shall communicate the reasoned order to the petitioners

and the private respondents positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners in any manner. The petitioners and the private respondents shall be at liberty to urge whatever points they wish to urge before the Project Director by relying upon whatever records and documents they wish to rely upon but the same shall not travel beyond the scope of the representation to be submitted by the petitioners in the light of the said representation dated April 6, 2022.

In the event, the reasoned order confirms the alleged encroachment and unauthorized construction, the Project Director shall take all necessary and consequential steps to give an immediate effect to the said reasoned order strictly in accordance with law.

The Project Director shall be at liberty to take assistance from the concerned local authorities including the local police authority. In the event, such assistance is sought for, the concerned local authority and the police authority shall provide all necessary assistance to the Project Director upon usual terms.

In the event, the encroachment is found, the Project Director shall initiate all necessary steps and ultimately shall conclude the proceeding positively

within a period of **eight weeks** from the date of the said reasoned order to be passed.

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

It is made clear that, this order shall not create any right or equity in favour of the petitioners if the petitioners are not eligible to receive their claims strictly in accordance with law.

With the above observations and directions, this writ petition **WPA 26351 of 2022** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)