

01.08.2024

Sl.No. 20
Ct.No. 2
Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 25580 of 2023

Smt. Pritilata Maiti (Manna)
Vs.
The Union of India & Ors.

Mr. Salil Kumart Maiti
Ms. Dolan Samanta.....for the petitioner

Mr. Santanu Kr. Mitra
Mr. Abhishek Banerjee
...for the State respondent nos. 4-8

Ms. Manika Roy
Ms. Sinjita Ray
...for the respondent nos. 2 and 3/ NHAI

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

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

Ms. Manika Roy, learned counsel appears
for the respondent nos. 2 and 3 (National High
Way Authority of India).

Mr. Santanu Kumar Mitra, learned State
counsel appears for the respondent nos. 4-8.

The private respondent nos. 8-10 are not
represented despite service, the law presumes
they do not intend to defend this writ petition.

The petitioner complains of alleged
encroachment and unauthorised construction of

National High Way No. 116 at present at the behest of the private respondents. The petitioner submitted its representation dated August 22, 2023, inter alia, before the respondent no. 2, annexure P-2 at page 30 to the writ petition. The representation has not been considered.

Learned counsel for the State respondents has placed a report dated November 24, 2023 issued under the seal and signature of the Inspector-in-Charge, Tamluk police station, the same is taken on record.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the respondent no. 2 is directed upon issuing prior notice to the petitioner and the private respondents to cause a physical inspection of the alleged encroachment and the illegal construction and then after giving them an opportunity of hearing, shall decide the representation of the petitioner dated August 22, 2023 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. 2 positively within a period of 6 weeks from the date of communication of this order.

The reasoned order shall be communicated to the petitioner and the private respondents positively within a further period of further 2 weeks from the date of said reasoned order to be passed.

It is made clear that, this court has not gone into the merits of the claim of the petitioner and the petitioner and the private respondents shall be at liberty, to urge whatever points they wish to urge before the respondent no. 2 by relying upon whatever records and documents they shall to rely upon but the same shall not travel beyond the scope of the representation dated August 22, 2023.

In the event, the reasoned order confirms the alleged encroachment and unauthorised structures, the respondent no. 2 shall take steps to give immediate effect to the said reasoned order strictly in accordance with law, but positively within a period of 6 weeks from the date of said reasoned order to be passed.

In the event, the respondent no. 2 seeks any assistance from the respondent nos. 5 and 6 or any other State Authority such assistance shall immediately be provided to the respondent no. 2.

It is made clear that this order shall not create any right and equity in favour of the

petitioner or the private respondents, if they do not succeed to their respective contentions strictly in accordance with law.

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 25580 of 2023** 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.)