

509
05.01.2024
Ct. No.10
b.das

WPA 26715 of 2023

Uday Chand Dutta & Ors.
Vs.
The State of W.B. & Ors.

Mr. Lalratan Mondal
Mr. D. K. Sadhu
Mr. A. K. Das ...for the petitioners.

Mr. Ayan Banerjee ...for the State.

Affidavit of service filed by the petitioners is taken on record.

On prayer of the petitioners liberty is granted to implead the Project Director, National Highways Authority of India, Durgapur as respondent no.10 in the writ petition. The cause title of the writ petition be amended accordingly.

None appears for the private respondents despite service.

Notice issued upon National Highways Authority of India has returned with an endorsement "Refused".

None appears for the National Highways Authority of India.

Heard learned counsels for the parties.

The petitioners claim to be recorded owners of the plot in question and submit that the private respondents have raised unauthorised construction on a portion of the National Highways adjoining their property, thereby obstructing their egress and ingress.

The petitioners seek to submit a comprehensive representation ventilating their grievance before the 10th respondent and pray for direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the 10th respondent be directed to deal with the representation, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 10th respondent within two weeks from date. The 10th respondent is directed to consider and dispose of the representation within a period of three months from the date of receipt thereof after granting reasonable opportunity of hearing to all concerned including the petitioners and the private respondents, in accordance with law.

Since the National Highways Authority of India is not represented, the petitioners are directed to serve copy of this order along with copy of the writ petition including the annexures thereto upon the 10th respondent at the earliest.

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

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)