

715
22.03.2024
Ct. No.10
b.das

WPA 27437 of 2023

**Mahannad Mirazuddin @ Md. Mirazuddin & Ors.
Vs.
The Union of India & Ors.**

Mr. Rajendra Nath Barik ...for the petitioners.

Mr. Chandi Charan De
Mr. Anirban Sarkar ...for the State.

Mr. Prolay Bhattacharya ...for UOI.

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

None appears for the National Highways Authority of India despite service.

Ms. Manika Roy, who usually appears for the National Highways Authority of India and is present in Court, is requested to represent the Authority in the matter. Her appointment be regularized by the appropriate authority of National Highways Authority of India.

The petitioners should serve copy of the writ petition along with all annexure thereto to Ms. Roy in course of this day.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that out of 59 decimals of the land in question 27.50 decimals have been acquired by the State. The petitioners have purchased the remaining portion of the land from the

erstwhile owner. A notice under Section 26(2) of the Control of National Highways (Land & Traffic) Act, 2002 was issued upon the petitioners on 15th June, 2023, declaring petitioners to be unauthorised occupants of the plot in question.

The innocuous prayer of the petitioners is for demarcation of the acquired portion of the plot.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since it appears from the reply issued by the Special Land Acquisition Officer (HIT), Howrah, on 18th May, 2022 to the application made on behalf of the petitioners under the Right to Information Act, 2005 that 27.50 decimals of land out of entire 59 decimals has been acquired by the State, it is incumbent upon the State respondents to demarcate the said acquired portion of the land in order to identify the same and also enable the petitioners to utilize the remaining portion of the land.

In view of the above, the writ petition is disposed of directing the 10th respondent to demarcate the acquired portion of the plot in question upon service of notice to all concerned including the petitioners and the National Highways Authority of India within two months from the date of communication of this order, in accordance with law. The 3rd and 5th respondents are directed to render all necessary assistance to such demarcation procedure and

all the parties are directed to cooperate with the authority in the process of demarcation.

With the above observations and directions the writ petition is disposed of.

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.)