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WPA No. 2395 of 2022

Bishnupada Samanta  
Vs.  
Union of India & Ors.

Mr. Kanai Lal Samanta  
.....for the petitioner

Ms. Monika Roy  
Ms. Ankita Chowdhury  
Mr. Atanu Sur  
..... for the respondents no. 1,2,3,5,7,8

Citing inaction on the part of the concerned respondents in considering the petitioner's application dated 11<sup>th</sup> November, 2019, requesting the respondents to remove the unauthorized structure from the land belonging to the National Highway Authority, the present writ petition has been preferred.

Mr. Samanta, learned Advocate appearing for the petitioner, submits that the petitioner owns four plots of land adjacent to a road maintained by the National Highways Authority of India. He further submits that the private respondents have constructed certain structures encroaching upon land belonging to the National Highways Authority, thereby obstructing the ingress and egress to the petitioner's property.

He further submits that the petitioner brought this incident to the notice of the concerned respondents by submitting a representation. However, despite receipt of the representation, the respondents have not taken any steps to

remove the encroachments. Such continued inaction has compelled the petitioner to file the present writ petition.

At the outset, Ms. Roy, learned Advocate appearing for the National Highways Authority, submits that due to a typographical error in the cause title of the order dated 6th August, 2025, it was recorded that she represented only Respondent No. 5 instead of Respondents No. 3, 5, 7, and 8. The office is directed to make the necessary correction in the order dated 6.8.2025. She further submits that she has been authorized today to represent Respondents No. 1 and 2, in addition to Respondents No. 3, 5, 7, and 8.

On merits, she submits that an enquiry will be conducted, and if it is found that any land or portion thereof belonging to the National Highways Authority has been encroached upon and any unauthorized structures have been constructed thereon, such structures shall be removed in accordance with law. She further submits that a direction may be issued to the jurisdictional police to extend necessary assistance in the removal of such unauthorized structures, if any.

Heard the learned Advocates appearing for the respective parties and perused the materials on record.

The record of rights annexed to the writ petition indicates that the petitioner is in possession of four plots of land in Mouza-Salkuthi. The record further reveals that on 11th November, 2019, the petitioner submitted a representation claiming that these lands, situated adjacent to the land of NH-6, have been partially encroached upon by certain unauthorized

persons who have constructed structures thereon, thereby obstructing the ingress and egress of the petitioner to and from the plots.

Needless to state, upon receipt of the representation from the petitioner, the respondents cannot remain inactive on this matter indefinitely.

In view thereof, and having regard to the stands taken by the National Highways Authority, I dispose of the writ petition by directing Respondent No. 3 to consider the petitioner's representation dated 11th November, 2019, and to take a decision thereon after affording an opportunity of hearing to the petitioner and the private respondents. If Respondent No. 3 finds merit in the petitioner's contentions, appropriate follow-up action shall be taken to remove the unauthorized structures from land belonging to the National Highways Authority. Further, if the National Highways Authority seeks assistance from the jurisdictional police to effect the removal of such unauthorized structures, such assistance shall be rendered.

However, it is clarified that if Respondent No. 3 finds that the petitioner's contentions lack merit, a reasoned order shall be passed and communicated to the petitioner.

Entire exercise shall be carried out within a period of eight weeks from the date of receipt of copy of this order.

With these observations and order, this writ petition is, thus, disposed of. There shall be no order as to costs.

As the writ petition has been disposed of without requiring any affidavit from the concerned respondents, the

averments made in the petition shall be deemed not to have been admitted by the respondents.

**(Partha Sarathi Chatterjee, J.)**