

11-07-2025
Item No.54 & 55 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.19259 of 2024
Mohanlal Halder

-vs-

The State of West Bengal & Ors.
with

WPA No.3720 of 2025
Jayanto Sapui

-vs-

The State of West Bengal & Ors.

Mr. Sandip Das, adv. ...**for the petitioner**
(in WPA 19259/2024) &
for the respondent no.14
(in WPA 3720/2025)

Mr. Partha Sarathi Bhattacharyya, sr. adv.
Mr. Raju Bhattacharyya, adv. ...**for the petitioner**
(in WPA 3720/2025) &
for the respondent no.11
(in WPA 19259/2024)

1. The dispute involved in these two writ petitions revolves around a culvert/structure.
2. According to Mohanlal Halder, the petitioner in the first writ petition, the structure has been constructed at the behest of Janardan Sapui, the private respondent in his writ petition, since deceased. The death certificate of Janardan Sapui is placed before this Court and the same is taken on record.
3. Jayanto Sapui is the son of Janardan Sapui who has filed the second writ petition submits that the structure in question was not constructed by his father.

4. It appears that in compliance of a direction passed by this Court in WPA No.19259 of 2024 (Mohanlal Halder v. The State of West Bengal & Ors.). a hearing was conducted in accordance with the provisions of Control of National Highways (Land & Traffic) Act, 2002.
5. The hearing was attended by the parties or their authorized representative. The minutes of the hearing dated January 28, 2025, signed by the Executive Engineer of the National Highway Division-I, P.W.(Roads) Directorate, record that the subject structure/culvert was not built following the standard operating procedure of the National Highway Division-I. No objection certificate has not been granted and the quality of the construction could not be assured.
6. Considering the safety of the road users and public in general, the partly constructed culvert/structure had to be dismantled by the respondent/person responsible within a month or else legal action would be initiated as per the prevailing law.
7. It appears from the submission made on behalf of both the parties that the structure/culvert is still standing. None has taken responsibility to dismantle the same.
8. As the existence of the structure may be dangerous for the public at large, the National Highway Authority ought to take immediate steps for dismantling the same.
9. None represents the State despite service. Affidavit of service is on record.
10. In view of the above, the instant writ petition is disposed of by directing the National Highway Authority to take steps in accordance with law

for dismantling the disputed structure at the earliest but positively within eight weeks from the date of communication of this order.

11. The National Highway authority shall positively ascertain as to whether the structure has been constructed on the land of the National Highway or not.
12. If there is any dispute with regard to the ownership of the land where the disputed structure has been constructed, then information shall be forwarded by the National Highway authority to any other authority on whose land the structure has been constructed for taking steps for dismantling the same.
13. Public safety shall be the paramount consideration for dismantling the disputed structure/culvert.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

