

Sl. 1
03.12.2025
Court No.19
BP

WPA 6940 of 2024

Sri Arun Duary
-versus-
The Project Director, National Highway
Authority & Ors.

Mr. Rejaul Alam
Mr. Subir Sabud
..for the petitioner

Mr. Chandi Charan De, Ld. Additional Government
Pleader
Mr. Anirban Sarkar
..for the State

Ms. Manika Roy
Ms. Ankita Chowdhury
Mr. Atanu Sur
..for NHAI

This matter was mentioned on 1st December, 2025 by the learned advocate for the National Highway Authority of India by submitting that certain facts were not pointed out to the Court at the time of passing the order on 1st December, 2025. In view thereof, this matter was directed to appear under the heading "To Be Mentioned".

The parties are represented by their respective learned advocates.

The learned advocate appearing for the National Highway Authority submits that in view of the notification dated October 29, 2025, the District Magistrate has been vested with the power to decide the issue as to

encroachment and the Project Director has no authority to decide the issue of encroachment.

Considering the submissions of the parties, this Court feels that the order dated 1st December, 2025 should be slightly modified.

However from the materials on record it appears that no representation has been submitted by the petitioner before the District Magistrate, Paschim Medinipur.

In view thereof, the order dated 1st December, 2025 is modified by giving liberty to the petitioner to submit a representation with regard to removal of encroachment upon the National Highway before the District Magistrate, Paschim Medinipur. If such a representation is submitted, the District Magistrate, Paschim Medinipur shall consider and dispose of the same in accordance with law within a period of six weeks from the date of receipt of such representation. The order dated 1st December, 2025 is modified only to the extent as indicated.

(Hiranmay Bhattacharyya, J.)