

28.07.2025
Item No.53
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WPA (P) No. 239 of 2025

Rajib Naskar
VS
STATE OF WEST BENGAL AND ORS.

Mr. Jahar Lal De, AGP
Mr. Shamim-Ul-Bari
...for the State

1. None appears on behalf of the petitioner.
2. Heard Mr Jahar Lal De, AGP the Learned Counsel appearing on behalf of the State Respondents.
3. The instant Writ Petition is in the nature of a public interest litigation, filed by the petitioner praying inter alia for the following relief(s):-

“a) Issue a writ in the nature of mandamus commanding the respondent authorities specifically respondent no. 2 and 3 to initiate the proceeding for removal of the unauthorized occupation by the Control of National Highways (Land and Traffic) Act, 2002 raised by the Respondent No. 11 have enclosed, occupied and raised unauthorized construction adjacent upon the Government Land N.H.-117 new Land N.H. 12 under National Highway, under

**Police Station- Kulpi, District - South
24 Parganas, Pin code - 743351.**

- b) Issue a Writ in the nature of Mandamus commanding the Respondent Authority for taking immediate action against the private respondent to dispose the application for complaint dated 21.06.2025 and regarding the unauthorized construction in the control of National Highways (Land and Traffic) Act, 2002 public land raised by the respondent No. 11 by giving opportunity of hearing the petitioner as well as the all other connected individuals by passing a reasoned order in this regard but within a stipulated time as fixed by the Hon'ble Court.**
- c) Issue a writ in the nature of Certiorari directing the respondents and/or their men, agents or subordinates to transmit all relevant records pertaining to this case before the Hon'ble Court so that conscionable justice maybe administered.**
- d) Any such other or further order or orders, direction or directions as to Your Lordships may deem fit and proper;"**

- 3.** In a nutshell the case of the petitioner is that the petitioner filed a reply under Right to Information Act, 2005 dated 28th April 2025 raising queries against the respondent No. 11 for the reason of the involvement in the unauthorized and illegal construction on National Highway No. 117 (present N.H.-12). The petitioner submits that due to such illegal construction there is always a traffic jam on the National Highway road and several car and motor cycles are succumbed to accidents. Apart from the said queries, certain other significant questions were raised pertaining to public safety and environmental impact for violating the provisions of law enshrined under Control of National Highway (Land and Traffic) Act, 2002 and the rules framed thereunder. It is further submitted that the respondent No. 11 encroached upon the public land which is nearby Kulpi Main Bus Stop disturbing the movements of the public
- 4.** The petitioner submits that a Complaint dated 21.6.25 was lodged before the appropriate authority being respondent no. 10 herein seeking inter alia for initiation of appropriate proceedings under the provisions of West Bengal Public Land (control of National Highway Land and Traffic) Act, 2002 for removal of the encroachment by the

private respondent No. 11 from the government land in question. Despite such complaint made the respondent authorities did not take any appropriate action.

5. Considering the aforesaid, we deem it proper to dispose of this PIL by directing inter alia the respondent No. 2 to dispose of the complaint dated 21.06.2025 regarding the unauthorized construction raised by the respondent No. 11 by giving an opportunity of hearing to the petitioners as well as to all other connected persons by passing a reasoned order within a period of six weeks from date (if not already taken). In the event any decision has already been taken, copy whereof be provided to the petitioner forthwith.
6. The PIL is disposed of without expressing any opinion on the merits of the case.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)