

S/L 22  
09.09.2025  
Court. No. 19  
*Suwayan*

**WPA 14489 of 2025**

**Harendra Nath Roy  
Vs.  
The Union of India & Ors.**

*Mr. D. Banerjee  
Mr. Salil Kr. Maiti  
Ms. Pinki Saha  
Ms. Dolan Samanta*

*...for the petitioner.*

*Ms. Debdooti Dutta*

*...for the State.*

*Mr. Dipankar Das*

*...for the respondent no. 2.*

*Mr. Biswajit Mal  
Mr. Kartick Kr. Bhattacharya  
Ms. Papiya Naskar  
Ms. Soumashree Dutta*

*...for the respondent nos. 9 to 12.*

1. At the very outset it is pertinent to mention herein that on behalf of the respondents/State an accommodation has been prayed for on the ground that learned Advocate for the State Ms. Sonal Sinha is out of station. It is further pertinent to mention herein that on behalf of the respondents/State another prayer was made for service of copy of the writ petition afresh.
2. The prayers as made on behalf of the respondents/State is considered and rejected in view of the fact that on 06.08.2025 none appears on behalf of the respondents/State and on 07.08.2025 an accommodation has been prayed for on behalf of the respondents/State with an assurance to this Court that on the adjourned day Ms. Sonal Sinha, learned Advocate for the State will appear.

3. This Court is constrained to hold that the plea as taken on behalf of the respondents/State is really unfortunate and the same cannot be conceded with.
4. Accordingly, prayer for further accommodation as made by the state and prayer for serving a fresh copy of writ petition is considered and rejected.
5. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities more specifically against the respondent no. 2/authority to take appropriate steps for removal of the unauthorized encroachment as allegedly made by the private respondents.
6. At the time of hearing, Mr. Banerjee, learned Advocate appearing on behalf of the writ petitioner submits before this Court that it is the case of the writ petitioner that the writ petitioner is the owner of the plot of land particulars of which has been mentioned in paragraph no. 2 of the instant writ petition. It is further contended by Mr. Banerjee that the aforementioned land of the writ petitioner is situated by the side of NH no. 116 and on account of illegal encroachment by the private respondents the writ petitioner is not getting access to the said national highway.
7. It is thus submitted by Mr. Banerjee that appropriate relief/reliefs may be granted to the writ petitioner in terms of the provisions of Section 26 of the Control of National Highways (Land and Traffic) Act, 2002 (hereinafter referred to as the 'said Act of 2002').

8. Such contention is vehemently opposed by Mr. Bhattacharya, learned Advocate for the respondent nos. 9 to 12 by placing two letters dated 02.05.2024 and 10.04.2024 as issued by the respondent no. 2/authority addressed to the writ petitioner a copy of which has been given to the private respondents. It is submitted that from the aforementioned two letters it would reveal that the NHAI/authority declined to grant permission for access road to the writ petitioner directly to the national highway i.e. NH no. 116.
9. Mr. Das, learned Advocate appearing on behalf of the NHAI/authority in course of his submission contended that the respondent no. 2/authority is very much justified in issuing the said two letters inasmuch as under the National Highways Act, 1956 as well as under the said Act of 2002 an individual cannot get direct access to the national highway. It is, however, contended by Mr. Das that Section 26 of the said Act of 2002 empowers the respondent no. 2/authority to remove encroachment as prescribed under the said section.
10. On careful perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court while disposing the instant writ petition directs the respondent no. 2/authority to cause physical inspection on the NH no. 116 more specifically in front of LR plot no. 2892 in Mouza – Chakdwipa under P.S. Bhawanipore, District – Purba Midnapore and in the

event in course of such inspection he finds any encroachment he shall take appropriate steps for removal of encroachment under Section 26 of the said Act of 2002 after complying with the provisions of the said Section 26 of the said Act of 2002.

11. The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 2/authority within 30 working days from the date of communication of the server copy of this order and if necessary with the help of the police.
12. The S.P, Purba Midnapore is hereby directed to ensure availability of the sufficient number of police personnel in the event the respondent no. 2/authority proposes to take initiative for removal of the encroachment from the NH no. 116.
13. Liberty is given to the learned Advocate-on-Record for the writ petitioner to communicate the server copy of this order to the respondent no. 2/authority as well as to the respondent nos. 7 and 8.
14. The respondent nos. 2, 7 and 8/authorities are directed to act on the server copy of this order.
15. The time limits as fixed by this Court are mandatory and peremptory.
16. With the aforementioned observation, the instant writ petition being WPA 14489 of 2025 is disposed of.
17. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

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