

Item No.10
17.06.2025
Court. No. 19
GB

W.P.A. 22422 of 2023

Satyaranjan Paul & Anr.
Vs.
Union of India & Ors.

*Mr. Sudeep Sanyal,
Mr. Snehasis Jana,
Mrs. Tutun Das*

...for the Petitioners.

Mr. Sovan Mukherjee

...for the U.O.I.

*Mr. Soumitra Bandyopadhyay,
Mr. Srinath Singha Roy*

...for the State.

*Ms. Manika Roy,
Ms. Ankita Chowdhury,
Mr. Atanu Sur*

...for the NHAI.

1. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities to discharge their statutory duties for the construction of road/national highway over the plots of land, particular of which has been mentioned in paragraph 2 of the instant writ petition.
2. In course of hearing, Mr. Sanyal, learned senior advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to page no.16 of the instant writ petition being a copy of the representation dated 22.07.2022 as submitted by the writ petitioners with the jurisdictional District Magistrate whereby and whereunder the writ

petitioners have prayed for change of alignment of the proposed national highway for minimizing the loss as would be suffered by them on account of the acquisition.

3. At this juncture, Mr. Sanyal, learned senior advocate draws attention of this Court to page no.46 of the instant writ petition being a copy of the order dated 17.04.2023 as passed by the respondent no.2 being the competent authority under the National Highways Act, 1956 (hereinafter referred to as the 'said Act of 1956'). It is submitted by Mr. Sanyal that on perusal of the order dated 17.04.2023 as passed by the respondent no.2 authority it would reveal that the said competent authority failed to visualize the true spirit of the representation of the writ petitioners and practically passed a cryptic order rejecting the representation of the writ petitioners without assigning any reason therefor.
4. It is further submitted by Mr. Sanyal that in the event the order dated 17.04.2023 as passed by the respondent no.2 authority is allowed to stand, that would affect the writ petitioners' valuable constitutional right as enshrined in Article 300A of the Constitution of India.
5. Such contention is opposed on behalf of the respondent State as well as on behalf of the respondent national highway authorities. In course of her submission Ms. Roy, learned advocate appearing

on behalf of the National Highway Authority of India submits before this Court that from the prayer portion of the instant writ petition it would reveal that the order dated 17.04.2023 as passed by the respondent no.2 authority is not the subject matter of challenge in the instant writ petition.

6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties it appears to this Court that the respondent no.2 authority prior to passing of the reasoned order dated 17.04.2023 over the representation of the writ petitioners obtained valuable opinion of the G.M. (Tech) & Project Director, NH-116A, Project Implementation Unit – Kharagpur, NHAI Complex, regarding prayer of the writ petitioners for change of alignment. From the said order it would reveal that the said G.M.(Tech) clearly opined that the alignment as has been prayed by the writ petitioners is not permissible in view of the fact that it has been finalized by the appropriate authorities in a meeting dated 16.08.2021 where the representatives of the Union of India and the State Government as well as the National Highway Authority of India were present.
7. On perusal of the said order it reveals further that pursuant to the notifications under Section 3B(1) of the said Act of 1956, declaration of acquisition has been completed and on publication of such

declaration under Section 3D(2) of the said Act of 1956, the land stood vested with the Central Government free from all encumbrances.

8. It further appears to this Court that the respondent no.2 authority while passing the said reasoned order dated 17.04.2023 also clearly indicated that consent regarding approval of alignment was also obtained from the Government of West Bengal.
9. In view of such, this Court finds that alignment as has been made by the National Highway Authority of India has been done in accordance with the provisions of the said Act of 1956 and that too for a public purpose.
10. In view of such, this Court considers that by no stretch of imagination it can be said that the order passed by the respondent no.2 being the competent authority under the said Act of 1956 is either oppressive and/or unreasoned and/or unjust and/or not in accordance with law.
11. As rightly pointed out by Ms. Roy that in the instant writ petition the writ petitioners have also not challenged the order dated 17.04.2023 as reveals from the prayer portion of the instant writ petition.
12. Considering the every pros and cons of this matter, this Court cannot persuade himself to allow the instant writ petition.
13. Accordingly, the instant writ petition being WPA 22422 of 2023 is dismissed.

14. However, there shall be no order as to costs.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)