

D/L.03.  
September 16, 2025.  
KAUSHIK

**WPA No. 23330 of 2023**

OTES Enclave LLP & Anr.  
Vs.  
National Highways Authority and Others

Mr. Soumava Mukherjee  
Mr. Partha Banerjee  
... for the petitioners.

Ms. Manika Roy  
Mr. Atanu Sur  
Ms. Ankita Choudhury  
... for the NHAI.

Mr. Satyajit Talukdar  
Mr. Arindom Chatterjee  
... for the KMDA.

The grievance of the petitioner is directed against a communication dated 15<sup>th</sup> June, 2023 titled "Notice For Removal of Unauthorized Construction".

The petitioner contends that the impugned notice affects the rights of the petitioner as much as National Highways Authority of India (NHAI) has, inter alia, directed removal of unauthorized occupation which has taken place on the highway situated at Unsani Mouza, Plot No. 3324, Sheet No. 3 along proposed six lane elevated Kona Expressway from Km 0.145 to Km 7.337 of NH-117 in the State of West Bengal.

The writ petition was filed as far back as on 25<sup>th</sup> September, 2023 and is still pending. Diverse orders have been passed from time to

time. By an interim order dated 26<sup>th</sup> September, 2023, a Coordinate Bench of this Court had directed that no coercive action be taken against the petitioner.

It is submitted on behalf of the petitioner that during the pendency of the writ petition, the Rail Bikas Nigam Limited (RBNL) being a unit of the Government of India has issued a letter to KMDA, inter alia, suggesting that for the present the particular land which forms the subject matter of the letter dated 15 June, 2023 is not required. In view of the above, RBNL has decided to set up a casting yard at another private casting location. Hence, the request initiated by RBNL for handing over the land belonging to the KMDA for setting up a casting yard is withdrawn. It is submitted on behalf of all the parties that the above letter has been issued pursuant to a meeting of all the stake holders including the parties to the writ petition held on 10<sup>th</sup> January, 2025.

In view of the above, there is no threat to the land of the petitioner and the cause of action has for all practical purposes become infructuous.

NHAI is represented and does not object to the above factual submissions made on behalf of the petitioner.

It is also submitted on behalf of NHAI that in view of the subsequent events, there is no

threat in terms of the impugned letter dated 15 June, 2023.

Liberty is granted to the parties to file appropriate proceedings if the circumstances so warrant at any subsequent stage.

In view of the submissions made on behalf of NHAI, no further steps are contemplated in terms of the letter dated 15<sup>th</sup> June, 2023 and the same stands quashed. All interim orders stand vacated.

It is made clear that there has been no adjudication insofar as merits of the case are concerned.

In such circumstances, WPA 23330 of 2023 along with pending interlocutory application stands disposed of as infructuous.

**(Ravi Krishan Kapur, J.)**