

17.04.2025
Ct. No.7
Sl. No.4
akd

W. P. A. 24923 of 2022

[Biswajit Maity -Vs- The Union of India& Ors.]

Mr. Amit Baran Dash
Ms. Ankana Sarkar

... ... for the petitioner

1. The present writ petition has been filed seeking a direction upon the concerned respondent to remove the unauthorized obstruction caused by the private respondent Nos. 9 to 11, who have allegedly encroached upon the land belonging to the National Highways Authority of India by dumping certain articles. This obstruction is stated to have hindered the petitioner's ingress and egress to and from their residence.
2. Mr. Amit Baran Dash, learned Advocate representing the petitioner, submits that the private respondent Nos. 9 to 11 had previously engaged in similar sorts of wrongful action, which led the petitioner to file another writ petition, being WPA 16062 of 2022. This writ petition was disposed of by an order dated 5.8.20222, directing the Assistant Engineer, Tamluk, National Highways Sub-Division Public Works (Roads) Department, Purba Medinipur, to consider and dispose of the petitioner's representation by passing a reasoned order.
3. In compliance with the order dated 5.8.20222 passed in WPA 16062 of 2022, the obstruction was removed by the jurisdictional police and the Assistant Engineer, Tamluk. However, on the very same day, the private respondent Nos. 9 to 11 again caused an obstruction in a similar manner, blocking the

petitioner's ingress and egress to his residence. This prompted the petitioner to submit a fresh representation to the District Magistrate, Purba Medinipur, the Executive Engineer, National Highways Division No. II, P.W. (Roads) Directorate, Paschim Medinipur, and the Superintendent of Police, Purba Medinipur. The petitioner claims that despite receiving this representation, no effective steps have been taken to resolve the issue, which has led the petitioner to file the present writ petition.

4. Having heard the learned Advocate representing the petitioner and upon perusal of the materials on record, I am of the view there is no use in keeping this writ petition pending.

5. In view of the above, the writ petition is disposed of, directing the Executive Engineer, National Highways Division No. II, P.W. (Roads) Directorate, Paschim Medinipur , the respondent no. 4 herein, to consider the grievances raised by the petitioner in his representation, which appears at pages 29 and 30 of the writ petition. It is clarified that before taking any decision on such representation, the Executive Engineer shall afford an opportunity for personal hearing to both the petitioner and private respondent Nos. 9 to 11. If the Executive Engineer finds merit in the petitioner's representation, appropriate follow-up action shall be taken. If the representation is rejected, a reasoned order shall be passed, and the same shall be communicated to the petitioner. The entire process shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With these observations and order, this writ petition is disposed of.

7. There shall be no order as to costs.
8. Let urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Partha Sarathi Chatterjee, J.)