

May 21, 2025
Sl. No.17
Court No.19
s.biswas

WPA 29418 of 2024

Debarshi Sar and others
vs.
The State of West Bengal and another

Mr. Lalratan Mandal
Mr. Dilip Kumar Sadhu

... for the petitioners

Mr. Soumitra Bandhapadhyay
Ms. Sucheta Banerjee

... for the State

Mr. Amit Meharia
Ms. Paromita Banerjee
Mr. Sayan Dey

... for the respondent no.8

1. Affidavit of service as filed today is taken on record.
2. None appears on behalf of the private respondents, despite service.
3. In course of hearing, learned advocate advocate for the writ petitioners draws attention of this court to page nos.23 to 27 of the instant writ petition being a copy of the letter dated 11.11.2024 as written by the learned advocate for the writ petitioner addressed to the respondents authorities whereby and whereunder it has been brought to the notice of the respondent authorities that the private respondents have made illegal construction over the National Highway causing thereby obstruction to the free egress and ingress to the writ petitioners' land particulars of which has been mentioned at paragraph nos.2 and 3 of the instant writ petition.

4. It is submitted that despite receipt of such representation dated 11.11.2024, the respondent authorities more specifically the respondent no.8 authority did nothing and practically sat tight over the matter.
5. Learned advocate for the National Highway authority and its functionaries submits before this court that no relief should be granted to the writ petitioners in view of the fact that learned advocate for the writ petitioners under cover of the said letter dated 11.11.2024 had sought for relief under different Act.
6. On careful consideration of the entire materials as placed before this court and after hearing the learned advocates for the contending parties, this court directs the respondent nos.8 and 10 to consider the copy of the instant writ petition as a representation of the writ petitioners as per the provision of the Control of National Highways (Land and Traffic) Act, 2002 (hereinafter referred to as the said Act of 2002, in short).
7. The respondent no.10 is hereby directed to make a field verification and/or demarcation after ensuring prior service of notice upon the writ petitioners and/or the private respondents and shall submit such report with the respondent no.8 authority positively within 30 working days

from the date of communication of the server copy of this order.

8. The respondent no.8, on receipt of such report from the respondent no.10 shall consider the copy of the instant writ petition as a representation of the writ petitioners under the provision of the said Act of 2002 and after giving an opportunity of hearing to the writ petitioners and/or private respondents and/or their authorized representative shall pass a reasoned order and to communicate the same to the writ petitioners and/or the private respondents preferably by email, if email details of the writ petitioners and the private respondents are provided to him at the time of hearing.
9. The entire exercise as indicated hereinabove is to be completed by the respondent no.8 in terms of the said Act of 2002 positively within 45 working days from the date receipt of the report from the respondent no.10.
10. In the event the respondent no.8 finds sufficient merit in the representation of the writ petition, he is directed to proceed in accordance with the provision of Section 26 of the said Act of 2002 soon thereafter.
11. With the aforementioned observation, the instant writ petition is disposed of.

12. Before parting with, it is made clear that as affidavits are not called for, the allegation made in the instant writ petition is deemed to have been denied.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)