

D/L- 21
10/03/2026
Ct. No.-19
Aritra

WPA 550 of 2026

**Malay Manna
Vs.
Union of India & Ors.**

Mr. Gazi Faruque
Mr. Sk. Nizamuddin
Mr. Rakib Hossain

....for the petitioner

Mr. Subhasis Bandopadhyay

....for the State

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

....for the NHAI

Mr. Sk. Rejaul Alam

....for the respondent No.8

Affidavit of service filed in Court today is taken on record.

The petitioner claims to be the recorded owner of L.R. Plot No.232 within Mouza-Paikpari, J.L. No.170 under Police Station-Debra in the District of Paschim Medinipur.

The petitioner states that National Highway No.16 commonly known as "Bombay Road" is running adjacent to the property of the petitioner. The petitioner states that a portion of L.R. Plot No.232 was acquired by the authorities of the National Highways for the purpose of widening and development of National Highway No.16 and the private respondent has raised a construction on the portion of L.R. Plot No.232, which was acquired for the

purpose of widening of National Highway No.16. The petitioner alleges that as a result of construction on the portion of L.R. Plot No.232 which stood vested, the ingress and egress of the petitioner from his property to the national highway has been obstructed.

The petitioner submitted a representation dated December 12, 2025 before various authorities including the District Magistrate, Paschim Medinipur, being the respondent No.3, praying for removal of encroachment from the national highway.

The learned advocate for the private respondent disputed the allegation made by the petitioner. He submits that the private respondent approached the authorities of the National Highway of India and such authority has granted a 'no objection' in favour of the private respondent for the purpose of setting up a retail outlet of M/s. Indian Oil Corporation Ltd. He further submits that pursuant to the permission granted by the National Highway Authorities of India, the private respondent has made a construction and no construction has been made in violation of the 'no objection certificate' issued by the authorities of the National Highway.

Mr. Bandopadhyay, learned advocate appears for the State. He submits that the National Highway authority has granted a 'no objection' to the private respondent for setting up a retail outlet of M/s. Indian Oil Corporation.

In reply, the learned advocate for the petitioner submits that the permission was granted by the authorities of the National Highway in respect of R.S. Plot No.233 and 234 and not R.S. Plot No.232.

A factual dispute arises as to whether the construction has been made pursuant to the 'no objection certificate' issued by the National Highways Authority of India on R.S. Plot No.233 and 234 or upon any portion of Plot No.232, which was acquired for widening of the National Highway.

Such a dispute cannot be decided in a writ petition and the same should be best left open for the authorities to decide at it requires an adjudication on facts.

Since a representation alleging encroachment upon a National Highway has been submitted by the petitioner before various authorities including the District Magistrate, Paschim Medinipur, WPA 550 of 2026 stands disposed of by directing the District Magistrate, Paschim Medinipur, being the respondent No.3 to consider the representation of the petitioner dated December 19, 2025 and after making necessary enquiries and demarcation through competent officials, to dispose of such representation by passing a reasoned order after affording an opportunity of hearing to the petitioner, the private respondent, the National Highways Authority of India and any other persons, who may be affected by such decision. The reasoned order shall be communicated to the parties

immediately thereafter. The entire exercise shall be concluded by the District Magistrate, Paschim Medinipur as expeditiously as possible but positively by the end of the month of April, 2026.

It is however made clear that all points are left open to be decided by the District Magistrate, Paschim Medinipur.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)