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13.2.2026
Court No. 10
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 3166 of 2026

**Atulanand Singh
-versus
Bharat Petroleum Corporation Ltd. & Ors.**

**Mr. Debobrata Saha Roy, Sr. Adv.
Mr. Subhankar Das.
Mr. N. Basu.
...For the petitioner.**

**Mr. Avishek Guha.
Ms. Sonal Agarwal.
Ms. Anamika Dutta.
... For the respondent nos. 1 to 8.**

**Mr. Dipankar Ds.
... For the respondent nos. 10-15.**

**Mr. Rajat Dutta.
Mr. Anirban Dutta.
... For the State.**

1. Affidavit-of-service filed in Court today be kept with the records.
2. None appears on behalf of the private respondent despite service.
3. The parties are represented through their respective counsels.
4. The petitioner is a sole proprietor under the name and style "M/s. Jagadamba Service Station" running a retail outlet dealership business at Kharigeria.

5. Apropos the facts of the case is that the respondent no. 1 made a prayer to the respondent no. 18 for 'No Objection Certificate' for the proposed new retail outlet dealership business at Kharigeria, West Medinipur.
6. The petitioner thereafter made a representation on 22.1.2019 requesting, inter alia, the Territory Manager of the respondent no. 1 to reconstitute the proposed retail outlet business. The same has been accordingly approved upon payment of five lakhs on 12.2.2019.
7. In the meantime, the petitioner approached the National Highways Authorities for reconstituting of the proposed new retail outlet dealership business at Kharigaria, PS. Kharagpur, in the District of Paschim Medinipur.
8. An inspection has been conducted at the proposed new retail outlet. Upon being satisfied with all the relevant documents as required for grant of provisional NOC, the same has accordingly been granted on 27.5.2019, provided the construction of the approach road is being completed within a period of six months.
9. The petitioner submits that in the meantime, the private respondent has made a representation on 21.11.2020 before the Highway Authorities. The private respondent has been permitted to construct

the approach road within the same mouza by issuing a provisional NOC and the same has been duly acceded to by granting permission by way of issuing provisional NOC for construction of the approach road.

10. The petitioner submits that from time to time the provisional NOC has been extended by the authority concerned which remained to be valid till the year 2024. After the date of the expiry of the validity period, the same has been kept pending for extension due to non-completion of the construction of the approach road. It is further submitted that due to stiff resistance from the end of the private respondent, the entire process of construction has been stalled.

11. The petitioner further submits that the retail outlet is being operated under a provisional NOC issued by the Highway Authorities, which approves the lay out for entry and exit roads. The exit road has been constructed as per the approved plan but at the time of constructing the entry road the private respondent created an obstruction to continue with the construction of the approach road.

12. Main grievance of the petitioner is with regard to the non-issuance of the NOC by the Highway Authorities for the construction of the approach road, which is yet to be completed.

13. Due to the issuance of the provisional NOC in favour of the private respondent by the Highway Authorities for construction of the approach road to the same mouza, the petitioner is suffering immensely to complete the construction within the stipulated time framed by the Oil Company.

14. The petitioner draws the attention of this Court to Annexure P-23 at page 94 from a letter issued by the Highways Authorities to the Oil Companies to demonstrate that in absence of any valid final NOC, supply of the fuel shall be stopped from the Oil Company.

15. It is further submitted that despite repeated representations made before the police authorities till date the same remains pending for consideration.

16. Learned counsel appearing for the Petroleum Company submits that an application shall be made subject to an undertaking given by the petitioner for completing the construction of the approach road as expeditiously as possible preferably within a period of six months.

17. It is further submitted that the Highway Authorities is competent enough to exercise its power under Control of National Highways (Land and Traffic) Act, 2002, which is reproduced below:

“29. (4). If any person contravenes the provisions of sub-section (1) of section 28 or violates any terms and conditions subject to which permission has been given under sub-section (2) including non-renewal of licence obtained under sub-section (3), his access to Highway under the permission under sub-section (1) or sub-section (3), as the case may be shall be deemed to be unauthorised access and the Highway Administration or the officer authorised by such Administration shall have the power to remove such access and where necessary, the Highway Administration or such officer may use the necessary force with the assistance of the police to remove such access.

30. Regulation or diversion of access, etc. – (1) Notwithstanding any permission given under sub-section (1) or sub-section (2) of section 29, the Highway Administration shall have the power in the interest of the safety and convenience of the traffic to refuse, regulate or divert any proposed or existing access to the Highway.”

18. Learned advocate appearing for the National Highways Authorities submits that already an attempt has been made to resolve the issue with the assistance of the police authorities and a meeting has also been convened from which it transpires that the provisional NOC, granted earlier has already been expired. Unless there is a further application made by Oil Company, NOC cannot be granted for permitting the petitioner to continue with the construction of the approach road.

19. The State respondent files a report by placing reliance upon paragraph nos. 3,4 and 5 to demonstrate that it is an inter se dispute between the parties since the issue involved pertains to construction of an approach road in National

Highways land, the National Highway Authority is the competent authority to accord an approval and permission for construction of the approach road at the site in question.

20. In view of the above, I dispose of the writ petition with certain directions:

- (i) The Oil Company shall make an application before the Highway Authorities within a period 15 days for the grant of NOC from the date of the order.
- (ii) Upon being satisfied of all the statutory formalities, the Highway Authorities shall accordingly grant NOC to the Oil Company within a period of 30 days from the date of receipt of the application.
- (iii) The Highway Authority is directed to resolve forthwith the inter se dispute between the parties arising out of a construction of an approach road by making a field inspection of the site in question with the assistance of the concerned BLLRO, if required, an Amin to be appointed for identifying and demarcating the disputed portion of the land of the petitioner and the private respondent, in presence of all the stakeholders by arriving at a logical conclusion in accordance with law within a period of 30 days from the date of the grant of NOC. Such

decision shall be communicated to all the parties within a week thereafter.

- (iv) The petitioner shall peremptorily complete the entire process of construction within a period of six months from the date of communication of the decision of the Highway Authorities.

21. The Officer-in-charge of the Kharagpur local P.S. is directed to render their fullest cooperation to allow the petitioner to raise and complete the construction of the approach road within the stipulated time framed by this Court.

22. In the meantime, the parties are directed to maintain status quo till a final decision is arrived at by the respondent authorities pertaining to the construction of the approach road at the site in question.

23. WPA 3166 of 2026 is disposed of.

24. Since no affidavit is called for the allegations made in the writ petition are deemed not to have been admitted by the respondents.

25. Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Smita Das De, J.)