

Item-
62. 16-02-2026

WPA 24353 of 2025

sg Ct. 19

Shyamal Bhowmik
Versus
Union of India & Ors.

Mr. Salil Kumar Maiti
Ms. Dolan Samanta

...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Subrata Guha Biswas

...for the State

Mr. Dipankar Das

...for the NHAI

The petitioner claims to be the owner of plot No. 560 within Mouza Brajalalchak, JL no. 57, under Police Station Bhawanipur in the District of Purba Medinpur. The petitioner alleges that the private respondent has erected an unauthorized construction by encroaching upon the National Highways.

The petitioner submitted a representation dated 25th August, 2025 before various authorities including the District Magistrate, Purba Medinpur praying for removal of unauthorised construction from the National Highway no. 116.

The learned Advocate appearing for the petitioner submits that in spite of receipt of such representation, no steps have been taken by the respondent authorities.

In view of the notification dated October 29, 2025, the District Magistrate is the appropriate authority to consider the issue regarding removal of encroachment upon the National Highway under the provisions of Control of National Highway (Land or Traffic) Act, 2002.

Mr. Bandyopadhyay, learned Senior Government Advocate appearing for the State submits that through inadvertence, the Sub-Divisional Officer has forwarded the matter to the Project Director. He further submits that the District Magistrate shall decide the issue raised in the representation within the time limit that may be fixed by this Court.

Without entering into the merits of the claim made in the representation dated 25th August, 2025, WPA 24353 of 2025, stands disposed of by directing the District Magistrate, Purba Medinipur, being the fifth respondent, to consider the representation of the petitioner dated 25th August, 2025 and dispose of the same by passing a reasoned order in accordance with law.

The entire exercise shall be completed by the said respondent as expeditiously as possible but positively within a period of eight weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 25th August, 2025.

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

(Hiranmay Bhattacharyya, J.)