

Item-
ML-
24.

Ct. 19

sg

WPA 27319 of 2025

Purnendu Sekhar Pati
Versus
Union of India & Ors.

Mr. Timir Baran Saha
Mr. Aninda Bhattacharya
Mr. S. Sarkar
Mr. K.P. Santra
...for the petitioner
Mr. Jyoti Prakash Chatterjee
... for the State
Mr. Dipankar Das
...for the respondent nos. 2-4
Ms. Santi Das
...for the respondent nos.7&8
Mr. Pulakesh Bajpayee
Mr. Suryaneel Das
...for the UOI

Affidavit of service filed in Court is taken on record.

On the prayer of the learned Advocate for the writ petitioner, leave is granted to the learned Advocate-on-Record of the petitioner to add District Magistrate, Paschim Medinipur, as party respondent in this writ petition.

Let this amendment be carried out by the learned Advocate-on-Record for the petitioner, here and now.

Since the State is represented by the learned Advocate, there is no necessity to serve the amended copy of the writ petition upon the District Magistrate.

However, the learned Advocate-on-Record for the petitioner shall be obliged to serve copy of the amended cause title of the writ petition to the learned Advocate representing the State and the other respondents forthwith.

The petitioner claims to be the owner of the LR plot no. 1250 within Mouza Sultanpur, JL No. 501, under Police

Station Kharagpur Local, in the District of Paschim Medinipur. The petitioner states that the aforesaid property of the petitioner is situated adjacent to National Highway-16 (Bombay Road) in the District of Paschim Medinipur. The petitioner further alleges that the private respondents herein have constructed pucca building on the National Highway-16, which is in front of the property of the petitioner.

The petitioner submitted a representation before the Project Director PIU Kharagpur and the Regional Officer, Kolkata, National Highway Authority of India dated 26th September, 2025, praying for removal of the unauthorized construction made over National Highway-16.

The learned Advocate appearing for the petitioner submits that the respondent authorities have not yet taken any steps for removal of the encroachment from the National Highway.

The learned Advocate representing the National Highway Authority of India refers to a notification dated 29th October, 2025 and submits that by virtue of the said notification, the District Magistrate has been conferred with the power to decide with regard to encroachment upon the National Highway. No representation has been submitted before the District Magistrate complaining encroachment upon the National Highway.

In view thereof, the writ petition stands disposed of by giving liberty to the petitioner to submit a comprehensive representation before the District Magistrate, Paschim Medinipur, being the added respondent herein, with regard to removal of encroachment from the National Highway-16.

If such a representation along with a server copy of this order is submitted before the added respondent, such added respondent shall consider the same and take necessary steps in accordance with law and dispose of such representation by passing a reasoned order, which shall be communicated to the petitioner immediately thereafter.

A reasoned order shall be communicated to the petitioner as expeditiously as possible but positively within a period of six weeks from the date receipt of a server copy of this order along with a copy of the representation permitted to be submitted by this order.

Needless to mention that in case any encroachment upon the National Highway is found, steps in accordance with law, shall be taken for removal of such encroachment.

WPA 27319 of 2025 is, accordingly, disposed of.

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

(Hiranmay Bhattacharyya, J.)