WPA 19003 of 2026

Santosh Kumar Roy
v.
The Union of India & Ors.

14.10.26
DL-04
Ct.-19
(S.R.)

Mr. Salil Kumar Maiti
Ms. Dolan Samanta ... for the petitioner.

Mr. Amit Meharia
Ms. Paramita Banerjee
Mr. Sayan Dey
Mr. Debmalya Biswas ... for the respondent no.3.

Mr. Sakya Maity
Mr. Subhas Jawa
...for the respondent nos.8 & 9.

1. The affidavit of service as filed today on behalf of the writ petitioner is taken on record.
2. The writ petitioner, respondent/NHAI authority and the private respondents are represented by their respective learned counsel.
3. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authority, more specifically, against the respondent no.2 authority commanding him to remove the alleged encroachment as allegedly made by the private respondents over the National Highway No.116 in front of the writ petitioner's property, particulars of which, has been mentioned in paragraphs 2 and 3 of the instant writ petition.

4. At the time of hearing, Mr. Maiti, learned advocate appearing on behalf of the writ petitioner submits before this Court that it is the specific case of the writ petitioner that on account of alleged encroachment as raised by the private respondents as well as on account of staging of huge quantum of building materials by the side of the aforementioned National Highway, which is contiguous to the writ petitioner's property, the writ petitioner is facing difficulty to get easy access to his own property. It is submitted that despite submission of representation dated 27.06.2026 no action has been taken by the respondent authorities. It is, thus, submitted that appropriate relief/reliefs may be granted to the writ petitioner in terms of the prayers made in the instant writ petition.
5. Learned advocate appearing on behalf of the respondent NHAI authority in his usual fairness submits before this Court that the respondent no.4 authority may be directed to make a field verification and/or demarcation at the disputed plot and on the basis of his report, the respondent no.2 authority may be directed to consider the representation dated 27.06.2026, as submitted by the writ petitioner, in accordance with law.
6. Such prayer is vehemently opposes by the learned

advocate for the private respondents. It is submitted that it is the specific case of the private respondents that no part of the National Highway is encroached at the instance of the private respondents. It is further submitted that the present private respondents are also raiyats in respect of a land which is contiguous a land of the writ petitioner.

7. On careful perusal of the materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition passes the following orders: -

a) The respondent no.4 authority is directed to give prior notice to the writ petitioner and the private respondents and shall make a field verification and/or demarcation at the disputed plot and shall submit a demarcation report and/or field verification with the respondent no.2 authority positively within thirty working days from the date of communication of the server copy of this order.

b) The respondent no.2 authority on receipt of the said demarcation and/or field verification report of the respondent no.4 authority shall cause service of notices upon the writ

petitioner, the private respondents and the respondent no.3 authority shall provide them copies of the demarcation and/or field verification report as would be submitted by the respondent no.4 authority.

c) The respondent no.2 authority is further directed to consider the writ petitioner's representation dated 27.06.2026, in accordance with law and after giving due opportunity of hearing to the writ petitioner, to the private respondent and/or any other stakeholder(s), if there be any, and/or their authorized representative shall pass a reasoned order and shall forthwith communicate the same to the writ petitioner and the private respondents preferably by email, if the email details of the writ petitioner and the private respondents and/or any other stakeholder(s) are provided to him at the time of hearing.

d) It is further directed that in the event while passing the reasoned order, the respondent no.2 authority comes to a finding that there occurred an encroachment over the National Highway at the disputed plot, he is directed to take all consequential actions in terms of Section 26(6) of the Control of National

Highways (Land & Traffic) Act, 2002 ('the said Act' in short) soon thereafter.

e) The entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no.2 authority within forty-five working days from the date of receipt of the demarcation report and/or field verification report from the respondent no.4 authority.

f) The time limit, as fixed by this Court, is peremptory and mandatory.

g) Liberty is given to he learned advocate-on-record for the writ petitioner to communicate the server copy of this order to the respondent nos.2 and 4 authorities, who are directed to act on the server copy of this order.

8. With the aforementioned observations, WPA 19003 of 2026 is disposed of

9. Before parting with, it is, however, made clear that while disposing the instant writ petition, this Court has not gone into the merits of the representation dated 27.06.2026 as submitted by the writ petitioner and, thus, all points are kept open for adjudication by the respondent no.2 authority.

10. There shall, however, no order as to costs.

11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon

compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)