

04.9. 2025
item No.14
n.b.
ct. no. 24

WPA 13766 of 2019

with
CAN 1 of 2024
+
CAN 2 of 2025

Sahabuddin Sk.
Vs.
Union of India & Ors.

Mr. Debraj De
Mr. Anurag Kumar,
Ms. Ayesha Khatoon,
.... For the petitioner.

Mr. Partha Pratim Roy,
Mr. Samrat Chakraborty,
Mr. Saikar Gayen,
..... for the respondent no.5.

Ms. Manika Roy,
Mr. Atanu Sur,
..... for the NHAI.

Mr. Jayanta Samanta,
Mr. Supriya Majunder,
.... For the State.

In Re. CAN 2 of 2025

This is an application for amendment.

Having heard learned counsel for the petitioner, it appears that application for amendment is required to be placed on record afresh. Accordingly, the petitioner is at leave to file an application for amendment afresh.

Accordingly, the CAN 2 of 2025 is disposed of with a liberty to the petitioner to file afresh on the self same cause of action.

It appears that the petitioner filed the writ petition seeking mandamus upon Union of India and

NHAI(respondent nos. 1 & 2) to remove illegal construction of the private respondent

It appears from report filed on behalf of the NHAI, that the land in question belonged to the State authority.

Considering the situation, the petitioner shall take appropriate application containing all materials thereon within two weeks from the date of passing of this order. It appears that that the respondent nos. 1 and 2 are not necessary party in the proceeding. So, respondent nos. 1 and 2 is hereby expunged in the writ petition.

The petitioner shall make necessary correction in the cause title of the writ petition by filing necessary application for amendment.

Mr. Jayanta Samanta, learned counsel appearing on behalf of the State authority submits that appropriate State authority was not made party in the instant proceeding. thus the writ petition is not maintainable. Let the maintainability point, as raised by the learned counsel is kept open.

Let the matter appear in the list on September 23, 2025.

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

(Subhendu Samanta, J.)

