

September 26, 2023
ARDR (1) (S/L)

WPA 23330 of 2023

OTES Enclave LLP & anr.

Vs.

National Highways Authority of India & ors.

Sr. Adv. Saptangshu Basu,
Adv. Rajarshi Dutta,
Adv. Saumava Mukherjee,
Adv. Subhankar Chatterjee

...for the petitioners.

Adv. Satyajit Talukdar,
Adv. Piu Karmakar,

...for the KMDA.

Adv. Manika Roy,

...for the NHAI.

Affidavits of service filed by the petitioners are taken on record.

Heard learned counsels for the parties.

It is contended on behalf of the petitioners that the petitioners were granted right of user in respect of 0.187 areas of land in Dag nos. 3301(P), 3303(P), 3309(P) and 3324(P) in Mouza Unsani, J.L. No. 10, Police Station Jagacha District Howrah by the KMDA vide letter dated 8th September, 2020. The petitioners allege that a notice under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002 was issued upon them by the National Highways Authority of India directing them to remove unauthorised occupation from the portion of plot no.3324 occupied by them in terms of the right of user granted in their favour by the KMDA. Such notice is assailed in the writ petition.

Learned counsels for the KMDA and the National Highway Authority of India seek to submit their respective reports in the form of affidavit in this matter.

Let the matter appear under the same heading on 13th October, 2023.

In the meantime, no coercive action be taken against the petitioners in respect of the plots in question.

(Suvra Ghosh, J.)