

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

30.07.2025
Court No. 02
Item No. 04
(Suvendu)

**W.P.A. 1249 of 2023
With
CAN 3 of 2025**

Sri Jagadish Prasad Agarwal & Ors.

-Versus-

The State of West Bengal & Ors.

Ms. Mousumi Bhowal

...for the petitioners

Mr. Subir Kumar Saha

Mr. Momenur Rahman

....for the State respondents

Ms. Supriya Singh

....for the NHAI & Asian Highway -02

1) Application being CAN 3 of 2025 is taken out by Asian Highway -02 seeking impleadment. It is submitted by learned advocate representing the applicant that land in question has been acquired by Asian Highway -02 for construction of road not by National Highways Authority of India (NHAI).

2) Petitioners and State respondents are represented by learned advocates and it is submitted on behalf of the petitioners that issue involved in this writ petition relates to right of the petitioners over the land in question.

3) However, it is submitted if applicant is arrayed as respondent time may be fixed for

filing of affidavits which would facilitate the petitioners to take steps for early hearing of this writ petition.

4) Having considered the submissions made on behalf of the parties, this Court finds that applicant is a necessary party since it is submitted on behalf of the applicant that land in question has been acquired by Asian Highway -02 for construction of road.

5) Hence. Application being CAN 3 of 2025 is allowed and disposed of.

6) Department is directed to add the applicant in CAN 3 of 2025 by ten days from date as additional respondent in the writ petition.

7) Learned advocate representing the applicant is directed to assist the Department in carrying out necessary amendment in cause-title of the writ petition.

8) Learned advocate for the petitioners is directed to serve copy of the writ petition upon learned advocate representing the applicant by seven days from date and on receipt of copy of the writ petition applicant is directed to file affidavit-in-opposition to the writ petition by two weeks from date. Reply thereto, if any, be filed by one week thereafter. Time to file affidavits is peremptory.

9) Petitioners shall be at liberty to mention the mater for hearing before the next

available Circuit after the time fixed
hereinabove for exchanging affidavits.

(Saugata Bhattacharyya, J.)