

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

¹⁹
sm **13.05.
2019**

W.P.A.119 of 2019

**M/s. Modern Animal Feeds (P) Ltd. & Ors.
Versus
The State of West Bengal & Ors.**

**Mr. Biplab Roy.
.....for the petitioners in person.**

Petitioner No.3 appears in person representing all the writ petitioners in this writ petition and filed affidavit of service. No one appears on behalf of the respondents.

This writ petition was filed challenging the impugned notice dated 24th April, 2019 passed by the Project Director Cum Highway Administrator, PIU-Jalpaiguri/ NHAI asking the petitioner to remove the unauthorized occupation of the plot in question and further giving opportunity to the petitioner for hearing or filing any objection and fixed the date of such hearing on 29th April, 2019.

In response to the said impugned notice petitioner has filed an objection dated 29th April, 2019 being annexure P-13 to the writ petition.

Today in course of hearing petitioner wants to rely on an order dated 1st May, 2019 passed by the National Highway Authority considering the objection of the petitioner dated 29th April, 2019 by way of a supplementary affidavit. Petitioner is given liberty to make a further objection to this order dated 1st May, 2019 before the authority concerned if the petitioner

is so aggrieved by the said order dated 1st May, 2019, within two weeks from date and if such objection is filed by the petitioner, authority concerned will consider the same and pass a reasoned and speaking order in accordance with law after giving opportunity of hearing to the petitioners within four weeks from the date of filing of such objection and shall communicate their decision to the petitioner within four weeks thereafter.

In the instant writ petition no further order can be passed and this writ petition is disposed of accordingly.

Let it be recorded that this court has not gone into the merit of the aforesaid order dated 1st May, 2019 passed by the respondents National Highway Authority of India concerned and respondents are free to decide the same on its own merit and petitioner is free to take all the points including the points taken in the instant writ petition, before the authority concerned.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, shall be given to the petitioner upon compliance of usual formalities.

(Md. Nizamuddin, J.)