

November 22, 2021
Item No. 16
Court No.1
SG/s.biswas

WPA (P) 234 of 2021

All Social Human Right Society
vs.
Union of India and others
(Through Video Conference)

Mr. Pradeep Kumar, Advocate

... for the petitioner

Mr. R. N. Bag, Senior Advocate

Mr. S. N. Dutta, Advocate

... for the respondent Nos.1 to 4

Mr. Anirban Ray, Id. Govt. Pleader

Mr. Raja Saha,

Mr. Nilotpal Chatterjee, Advocates

... for the State

The petitioner has come to this Court by way of the present PIL seeking a direction to the respondents to protect the old and useful trees at the railway land known as Salt Golah area situated on the western bank of the river Hooghly in Howrah. During the course of argument learned counsel for the petitioner has referred to the tender notice (Annexures P/2 and P/3) for grant of lease for commercial development of railway land parcel admeasuring 8.83 Ha in Salt Golah area concerned for 99 years. His submission is that such a commercial lease for development will affect the greenery and ecological balance.

Learned counsel for the railways referring to Section 11(b)(a) of the Railways Act, 1989 has submitted that the railway administration is empowered to develop any land for commercial purposes. He further submits that the commercial development of the land in question will be carried out after obtaining due clearance from the

concerned authorities and that it will be ensured that the greenery of the area is properly maintained and no ecological imbalance takes place.

Learned counsel appearing for the State has also submitted that till now the Forest Department has not received any application for felling of trees, therefore, the grievance of the petitioner is unfounded.

Having regard to the aforesaid contention and considering the fact that the necessary particulars relating to any action of the respondents resulting in the ecological imbalance or affecting the greenery of the area have not been pointed out, we are of the opinion that no direction need be issued in the petition at this stage. The petition is not supported by any specific particular relating to alleged grievance. On the contrary in paragraphs 8 and 9 of the writ petition, the petitioner has clearly stated that on principle he is not against the proposed development of the railway land.

Hence, the present writ petition is disposed of taking note of the stand of the respondents and granting liberty to the petitioner to approach this Court again in case if the petitioner finds any violation of law or has any cause of action supported by the relevant material.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]