

November 29, 2021

ARDR

(35)

WPA 15773 of 2021

Bikash Ranjan Bera

Vs.

Union of India & ors.

Mr. Kumar Jyoti Tewari,

Mr. Panchanan Hajra,

...for the petitioner.

Mr. Avinash Kankani,

...for the respondent nos. 1 and 3.

Mr. Susovan Sengupta,

Mr. Manas Kumar Sadhu,

...for the State.

Affidavit of service filed by the petitioner be taken on record.

Heard the learned counsels for the parties.

The contention of the petitioner is that they are owners of land situated within thirty meters from Arambagh Railway Station. In view of paragraph 8.27 of the Indian Railways Works Manual, the railway authorities are required to issue a no objection certificate for raising construction of building within thirty meters from the railway boundary. As the petitioner intends to raise construction in his land, he applied before the railway authority for issuance of such no objection certificate on 31st March, 2021, but the said application is yet to be disposed of.

Upon consideration of the submissions made on behalf of the parties and material on record, I dispose

of the writ petition with a direction upon the respondent no.3 to consider and dispose of the application filed by the petitioner dated 31st March, 2021 within a period of one month from the date of communication of this order after giving reasonable opportunity of hearing to the petitioner, in accordance with law.

With such observation, WPA 15773 of 2021 is disposed of. However, there shall be no order as to costs.

Since no affidavits are invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)