

November 29, 2021

ARDR

(36)

**WPA 15778 of 2021**

Samar Kundu & Ors.

Vs.

Union of India & ors.

Mr. Kumar Jyoti Tewari,

Mr. Panchanan Hajra,

...for the petitioners.

Mr. Avinash Kankani,

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

Mr. Chandi Charan De,

Ms. Reshmi Rehman,

...for the State.

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

Heard the learned counsels for the parties.

The contention of the petitioners 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 petitioners intend to raise construction in their land, they applied before the railway authority for issuance of such no objection certificate on 31<sup>st</sup> 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 petitioners dated 31<sup>st</sup> March, 2021 within a period of one month from the date of communication of this order after giving reasonable opportunity of hearing to the petitioners, in accordance with law.

With such observation, WPA 15778 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.)**