

2 22.02.2022

gd/ssd

WPA(P)/40/2022
LAXMIPUR, BIRNAGAR ANCHAL NAGORIK ADHIKAR
RAKSHA COMMITTEE AND ANR.
VS
STATE OF WEST BENGAL AND ORS.
(Through Video Conference)

Mr. Kamalesh Bhattacharjee,
Mr. Md. Yusuf Ali
..for the Petitioners

Mr. Nilotpal Chatterjee
..for the State

Ms. Aparna Banerjee
..for the Railway Authorities

The affidavit of service filed by the petitioners is taken on record.

In this public interest petition the prayer of the petitioners is to direct the respondents to establish an underground subway in the Level Crossing of Chamagram Railway Track, Malda.

The grievance of the petitioners is that there is a railway track across the area concerned and a pathway crosses the railway track near Chamagram Railway Station on the R.S. Plot No.634, L.R. Plot No.618, R.S. Khatian No.2, Mouza Laxmipur, J.L. No.36, Block Kaliachak-III, District Malda and that there is a old road crossing the railway track which is used by the local residents including the teachers and students of the

schools which exposes them to high risk.

Learned counsel for the petitioners has referred to a communication dated 17.09.2015 sent by the Senior Divisional Engineer (C), Eastern Railway, Malda to the petitioners informing that the construction of the subway can only be done provided the State/local authority propose the same under deposit terms and that entire cost of construction has to be borne by the State/local authority along with the cost of maintenance of subway as per rule.

Counsel for the petitioners has submitted that the representation dated 10th of December, 2021 has been submitted to the respondent no.2/District Magistrate, Malda, therefore, a direction be issued to the said respondent to hold a joint meeting with the railway authorities and take an appropriate decision to redress the grievance.

Counsel for the respondents have no objection to such a prayer.

Hence, the present petition is disposed of by directing the respondent no.2/District Magistrate, Malda to hold a joint meeting with the concerned railway authorities and the representative of the petitioner/Association and duly consider the grievance raised by the petitioners as reflected in the representation dated 10th of December, 2021 in

accordance with law. Let the exercise be completed within a period of three months from the date of receipt of certified copy of this order.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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