

**WPA 1986 of 2017**

Nisith Ghosh  
Vs.  
Union of India & Ors.

Ms. Deblina Lahiri  
Mr. M. Chatterjee ...for the petitioner.

Ms. Aparna Banerjee ...for the Railways.

Mr. Ansar Mandal  
Ms. S. Bhattacharya ...for the State.

The prayers of the petitioner in the present writ  
petition are hereunder:

“a) A Writ in the nature of Mandamus restraining the Respondent authorities, their men, agents, subordinates and each one of them particularly the Respondents No.2 to 4 and 6, from entering into the private land of your Petitioner in Plot No.701, in Mouza: Parbatipur, J.L. No.148, Block- Ranaghat-1, under Police Station- Ranaghat, District: Naida, without adopting the due process of law, i.e. by giving notice of acquisition of such land and payment of adequate compensation for such acquisition, if any.

b) A Writ in the nature of Mandamus restraining the Respondent authorities, their men, agents, subordinates and each one of them that in case there is no acquisition of land by the Respondent authorities, then to immediately remove the poles which have been hoisted in the private land of your Petitioner.”

It is submitted on behalf of the petitioner that though the plot of land owned and occupied by the petitioner has not been acquired by the State authorities in accordance with law, the Eastern Railway fixed pillars in the plot and while taking measurement of the plot, the petitioner was

verbally informed that a third line was to be laid between Kalyani and Ranaghat for which the pillars were being raised.

It is submitted on behalf of the railway authorities that the said project is planned to be executed on Railway land and the authority does not intend to take up any work in the land in question.

Placing reliance on the affidavit-in-opposition filed on behalf of the authority, learned counsel submits that in the event of requirement of any private land for construction of railway tracks, the said land is to be acquired as per existing rules.

Learned counsel further submits that as the third line project work has not commenced, the question of encroaching upon the petitioner's plot does not arise.

Per contra, the affidavit-in-opposition submitted by the 5<sup>th</sup> respondent indicates that the said land is under possession of the Eastern Railway Department which is not at all the fact as submitted by the learned counsel on behalf of the Eastern Railway. Also, in reply to an application under RTI Act, 2005 made on behalf of the petitioner, it was informed by the Special Land Acquisition Officer, Nadia that the plot in question was not acquired.

In view of the same, it can be concluded that the petitioner's land has neither been acquired nor utilized by any of the respondents and as such, the petitioner is

entitled to an order in terms of prayers a) and b) of the writ petition.

Accordingly, the writ petition being WPA 1986 of 2017 is disposed of in terms of prayers a) and b) therein.

However, there shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Suvra Ghosh, J.)**