

February 23, 2023

ARDR
(52)

WPA 5321 of 2022

Smt. Gouri Rani Das @ Gouri Das & anr.

Vs.

The South Eastern Railway & Ors.

Adv. Bhagbat Chowdhury,

Adv. Rittick Chowdhury,

...for the petitioners.

Adv. Billawadal Bhattacharyya, Ld. DSGI,

Adv. Tanushree Ghosh,

...for the S.E. Rly./UOI.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that though they are co-sharers in respect of the plot of land in question, a portion of which has been acquired by the railways, and are entitled to proportionate share of compensation therefor, no compensation has been paid to them by the railways. Proportionate share has been paid to the private respondents who are also co-sharers of the plot along with the petitioners. The petitioners submitted a representation before the concerned authority through their learned counsel on 28th February, 2022 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the railway authorities, at the outset, challenges the maintainability of the writ petition on the ground of inordinate delay. It is pointed out by the learned counsel that though the last communication

between the parties was made in 2014, the petitioners chose to remain silent till 2022 and woke up from slumber only with the demand of justice submitted on 28th February, 2022. Such inordinate delay has not been explained.

It is a fact that the petitioners have not been able to give any explanation with regard to such delay.

Be that as it may, without going into the merits of the case, this Court is inclined to hold that since the representation submitted on behalf of the petitioners is pending consideration before the authority, the concerned authority, being the 3rd respondent, be directed to consider the same in accordance with law.

In view of the above, the writ petition, being WPA 5321 of 2022, is disposed of directing the 3rd respondent to consider and dispose of the representation submitted on behalf of the petitioners dated 28th February, 2022 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners and the private respondents, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall

be at liberty to deal with the representation independently and without being influenced by any observation which may have been in this order.

However, there shall be no order as to costs.

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

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

(Suvra Ghosh, J.)