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12.05.2023
Ct. No.10
b.das

W.P.A. 8288 of 2023

Soumen Nandi & Ors.
Vs.
Union of India & Ors.

Mr. Panchanan Hazra ...for the petitioners.

Mr. Sukumar Bhattacharya
Mr. Aninda Sundar Das
...for the respondent Nos.1, 2 & 3.

Affidavit of service filed on behalf of the petitioners is taken on record.

None appears for the State respondents and the Chairman, Arambag Municipality despite service.

Mr. Chandi Charan De, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioners should serve copy of the writ petition alongwith all annexures thereto to Mr. De in course of this day.

Heard learned counsels for the parties.

The petitioners submit that they are recorded owners of the plot of land in question which is situated on the southern side of Howrah to Goghat railway line near Arambag railway station.

The petitioners applied for conversion of the land from 'shali' to 'bastu' for the purpose of raising multi-storied building and applied for issuance of No Objection Certificate from the railway authority for the same.

By an order passed on 4th August, 2022, the Senior Divisional Engineer -I, Eastern Railway/Howrah, disposed of the application filed by the petitioners with an observation that the case of the petitioners may be considered on submission of relevant documents and on fulfilling the conditions prescribed under para 827 of Indian Railways Works Manual, 2000.

The petitioners submitted documents as called for by the authority by a letter issued on 28th November, 2022. No further step has been taken by the authority for issuance of No Objection Certificate in favour of the petitioners.

It is submitted on behalf of the railway authorities that the prayer of the petitioners shall be considered by the authority upon verification of all the documents submitted by the petitioners and complying with para 827 of Indian Railways Works Manual, 2000.

In view of the above, the writ petition is disposed of directing the Divisional Railway Manager, being the 2nd respondent herein/his delegatee, to consider and dispose of the prayer of the petitioners requesting issuance of No Objection Certificate in their favour within six weeks from the date of communication of this order upon affording

reasonable opportunity of hearing to all the stakeholders including the petitioners and in the light of the observation made in the order passed on 4th August, 2022.

In the event the petitioners are found entitled to the No Objection Certificate, such certificate be issued in their favour within two weeks thereafter.

With the above observations and directions this writ petition being WPA 8288 of 2023 is disposed of.

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.)