

**21**  
**12.05.2023**  
Ct. No.10  
b.das

**W.P.A. 8292 of 2023**

Bikash Ranjan Bera  
Vs.  
Union of India & Ors.

Mr. Panchanan Hazra ...for the petitioner.

Mr. Sukumar Bhattacharya  
Mr. Aninda Sundar Das  
...for the respondents.

Affidavit of service filed on behalf of the petitioner 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 petitioner 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 petitioner submits 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 petitioner 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 4<sup>th</sup> August, 2022, the Senior Divisional Engineer -I, Eastern Railway/Howrah, disposed of the application filed by the petitioner with an observation that the case of the petitioner may be considered on submission of relevant documents and on fulfilling the conditions prescribed under para 827 of Indian Railways Works Manual, 2000.

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

It is submitted on behalf of the railway authorities that the prayer of the petitioner shall be considered by the authority upon verification of all the documents submitted by the petitioner 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 2<sup>nd</sup> respondent herein/his delegatee, to consider and dispose of the prayer of the petitioner 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 petitioner and in the light of the observation made in the order passed on 4<sup>th</sup> August, 2022.

In the event the petitioner is found entitled to the No Objection Certificate, such certificate be issued in his favour within two weeks thereafter.

With the above observations and directions this writ petition being WPA 8292 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.)**