

WPA 6597 of 2020
With
CAN 1 of 2020 (Old CAN 5412 of 2020)
Tathagata Datta
Vs.
Union of India & Ors.

Mr. Tathagata Datta

... .. petitioner-in-person

Ms. Aparna Banerjee

... .. for the railways

Mr. S.N. Mookherjee, AG

Mr. Tapan Kumar Mukherjee, AGP

Mr. Pranab Halder

Mr. Somnath Naskar

... .. for the State

1. Heard learned counsel for the parties at length.

2. This writ petition has been filed as public interest litigation to direct the respondents to maintain, renovate and reconstruct of Dattapukur Station Road with good quality materials and also maintaining proper drainage system.

3. It appears that this is a land being the railway land and no objection is to be obtained from the Eastern Railways and according to the State/Panchayat they have addressed to the Eastern Railways for necessary no objection which has not been given as yet. The written instructions given to the learned counsel for the railways shows that necessary work can be done and that also can be done subject to availability of funds.

4. Thus, on account of its stand taken by the Panchayat authorities and the railways it is the public who are put to hardship. Therefore, we are inclined to issue the following directions:

5. The writ petition is disposed of by directing the Divisional Engineer, Eastern Railways, Sealdah to give a no objection to the concerned Panchayat for the purpose of repairing, renovating or laying the road with good quality materials. It is made clear that expenses shall be made by the Panchayat. However, development of the road will not in any manner confer any right on the Panchayat and the road will remain the property of the railway administration.

6. The Divisional Engineer, Eastern Railways, Sealdah shall give no objection within ten days from the date of receipt of the copy of this order and the concerned Panchayat shall take immediate action for commencing the repairing etc. work of the road as it has been informed that financial sanction is awaited since the railway administration has not granted no objection certificate.

7. Since the District Magistrate and Collector, North 24-Parganas has already initiated the process, as soon as the no objection certificate is issued, the government shall grant financial sanction and the road shall be repaired, renovated and completed.

8. Consequently, the connected application stands disposed of.

(T.S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)