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jdt.

12.04.2023
jb.

W.P.A. 25336 of 2022
(Barun Kumar Modak vs. Union of India & Ors.)

Mr. Panchanan Hazra
.... For the Petitioner
Mr. Ajit Kumar Mishra
Mr. Abhishek Dey
.... For the Respondent Nos.1-3
Mr. Chandi Charan De
Mr. Anirban Sarkar
.... For the State

Heard learned counsels for the parties.

The petitioner claims to be the recorded owner of the plot of land situated on the northern and southern side of Howrah to Goghat Railway line near Arambagh Railway Station. In order to raise construction on the said plot the petitioner requires a no objection certificate from the railway authority for which he approached the authority. No communication has been made to the petitioner by the authority. The petitioner seeks to submit a fresh application before the 2nd respondent in terms of Railway Board letter vide memo no. 2008/LML/19/17 dated 16th February, 2010 and memo no. 94/LM(l)/14/22 dated 29th August, 1995 and prays for direction upon the authority to consider the application at the earliest.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of with

liberty to the petitioner to submit an application for issuance of no objection certificate before the 2nd respondent in terms of the letters referred to above within three weeks from date. The 2nd respondent is directed to consider and dispose of the said application within one month from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law. The said respondent is also directed to take necessary consequential steps, as required, within a month thereafter.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)