

20.06.2024
Sl. No.60
tkm

W.P.A. 11409 of 2024
(Neeraj Kumar vs. Union of India & Ors.)

Mr. S Guhathakurata
Mr. A Sarkar
Ms. Suparna Paul
... .. for the petitioner

Mr. Asok Bhaumik
... .. for respondent nos. 1 to 5

1. The present writ petition has been filed by the petitioner seeking withdrawal of notice dated 17.8.2021 and 24.2.2021 issued by the respondent nos. 1 to 5.
2. It is the case of the petitioner that he is running a hotel from his land being RS Dag no. 2246, LR Dag no. 2278 corresponding to RS Khatian no. 201, LR Khatian no. 3858 Mouja Duillya, JL no. 736 under Sankrail PS, district Howrah.
3. It is submitted by the learned counsel for the petitioner that his land was not acquired and he is in possession of his land and respondent authority is illegally harassing him. Petitioner has made a representation dated 14.3.2024 with the respondent no.5, railway authority asking them to withdraw the notice dated 17.8.2021 and not to disturb his peaceful possession.
4. Learned counsel for the respondent railway authority states that the land has been duly acquired and the petitioner is in unlawful

possession of the same. It is further submitted that they have issued notice dated 17.8.2021 and 24.2.2021 in accordance with law.

5. Be that as it may, learned counsel for the petitioner submits that he shall be satisfied if his representation dated 14.3.2024 is decided by the railway authority (respondent no.5).
6. In view of the same, respondent-railway authority makes a concession and states that the representation of the petitioner will be decided after affording an opportunity of personal hearing to the petitioner.
7. Railway authority (respondent no.5) is directed to consider and decide the representation of the petitioner in accordance with law upon giving an opportunity of personal hearing to the petitioner or his authorized representative and to pass a reasoned order. Entire exercise should be completed by eight weeks from the date of communication of this order. The order be communicated to the petitioner by two weeks thereafter.
8. With the above direction writ petition is disposed of.

(Gaurang Kanth, J.)