

Item No.55
31.07.2024
Court. No. 9
GB

W.P.A. 17694 of 2024

Sujit Kumar Mondal @ Sujit Mondal
Vs.
Union of India & Ors.

*Mr. Akashdeep Mukherjee,
Ms. Sayani Manna*

...for the Petitioner.

Mr. Siddhartha Lahiri

...for the U.O.I.

Mr. Jyoti Prakash Chatterjee

...for the State.

1. The petitioner prays for a mandatory direction upon the railway authorities to grant way leave through a passage in the Pallaroad station.
2. Upon considering the dispute on the first occasion, this Court was of the view that some steps should be taken to see whether the petitioner and his neighbours would have access to the station through an alternative route, otherwise such persons would be completely stranded. Initially, the petitioner used to enjoy a passage through a gap in the boundary wall of the railway station. Subsequently, in order to prevent acts of trespass, etc., the wall was built up. The petitioner prayed for a way leave permission which was also denied.
3. The learned advocate for the petitioner submits that there are notifications of the railways which indicate that way leave permission can be given by the railways upon payment of costs as per the schedule annexed to the said notification.

4. The Court directed the railway authorities and also the local police authorities to make a joint inspection with the petitioner to ascertain whether the petitioner would have access to the Pallaroad station through any other route, apart from the gap in the wall which the railway authorities had walled up.
5. Today, respective reports have been filed. The railway authorities and the police authorities both have stated that the gap in the wall has been closed by a concrete brick built wall. The access of the petitioner and his neighbours through the gap in the wall to the station was no longer available. The railway authorities and the police authorities both have indicated that there is an alternative route to access the station, but the road is not in a good condition.
6. It is also the specific contention of the police authorities and the railway authorities that the boundary wall has been erected entirely on the railway land. The petitioner also does not dispute such finding.
7. Under such circumstances, this Court is of the view that the writ petition should be disposed of without passing any mandatory direction upon the railway authorities to open the gap in the wall and allow the petitioner passage through the said gap, but, with a direction upon the police authorities to organize and mobilize the local authorities and the Block Development Officer so that the road/access to the

Pallaroad station available for the petitioner and his neighbours, is cleared up, developed and made usable.

8. This order shall not be an opinion of this Court on the right, title and interest of any person with regard to the alleged road.
9. Accordingly, writ petition is disposed of.
10. However, there will be no order as to costs.
11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)