

16.01.2025
Ct.39
Sl.nos.3-16
samarpita

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

WPA 5460 of 2017

CAN 1 of 2017 (Old No. CAN 6185 of 2017)
CAN 2 of 2017 (Old No. CAN 11691 of 2017)
CAN 3 of 2018 (Old No. CAN 9623 of 2018)
CAN 4 of 2021

Smt. Sova Biswas & Ors.

Vs.

Union of India & Ors.

with

WPA 5462 of 2017

CAN 1 of 2017 (Old No. CAN 6186 of 2017)
CAN 2 of 2017 (Old No. CAN 11685 of 2017)
CAN 3 of 2018 (Old No. CAN 9624 of 2018)
CAN 4 of 2021
CAN 5 of 2021

Bhanu Kumar Paul

Vs.

Union of India & Ors.

with

WPA 5464 of 2017

CAN 1 of 2017 (Old No. CAN 6188 of 2017)
CAN 2 of 2017 (Old No. CAN 11687 of 2017)
CAN 3 of 2018 (Old No. CAN 9625 of 2018)
CAN 4 of 2021

Smt. Kalyani Pramanick

Vs.

Union of India & Ors.

with

WPA 5465 of 2017

CAN 1 of 2017 (Old No. CAN 6187 of 2017)
CAN 2 of 2017 (Old No. CAN 11690 of 2017)
CAN 3 of 2018 (Old No. CAN 9626 of 2018)
CAN 4 of 2021

Smt. Subhadra Paul & ors.

Vs.

Union of India & Ors.

with

WPA 5469 of 2017

CAN 2 of 2021

Bikash Ranjan Bhattacharya

Vs.

Union of India & Ors.

With

WPA 5471 of 2017

CAN 1 of 2017 (Old No. CAN 6191 of 2017)
CAN 2 of 2021

Debasish Banerjee

Vs.

Union of India & Ors.

with

WPA 5474 of 2017

CAN 1 of 2017 (Old No. CAN 6190 of 2017)
CAN 2 of 2021

Gopal Mondal

Vs.

Union of India & Ors.

with

WPA 5476 of 2017

CAN 1 of 2017 (Old No. CAN 6193 of 2017)
CAN 2 of 2021
CAN 3 of 2021
CAN 4 of 2021

Snehasis Bhattacharya

Vs.

Union of India & Ors.

with

WPA 5478 of 2017

CAN 1 of 2017 (Old No. CAN 6181 of 2017)
CAN 2 of 2021

Smt. Rekha Malakar

Vs.

Union of India & Ors.

with

WPA 5481 of 2017

CAN 1 of 2017 (Old No. CAN 6182 of 2017)
CAN 2 of 2021

Smt. Mantula Devi

Vs.

Union of India & Ors.

with

WPA 5485 of 2017

CAN 1 of 2017 (Old No. CAN 6183 of 2017)
CAN 2 of 2021

Smt. Chitra Chakraborty

Vs.

Union of India & Ors.

With

WPA 5489 of 2017

CAN 1 of 2017 (Old No. CAN 6184 of 2017)
CAN 2 of 2021

Smt. Kabita Mridha

Vs.

Union of India & Ors.

With

WPA 5491 of 2017

CAN 1 of 2017 (Old No. CAN 6180 of 2017)
CAN 2 of 2021

Bhajahari Bayan

Vs.

Union of India & Ors.
With
WPA 5494 of 2017
 CAN 1 of 2017 (Old No. CAN 6281 of 2017)
 CAN 2 of 2021
 Ashrurekha Dolui
 Vs.
 Union of India & Ors.

Mr. Biswsanath Chakrabarti
 Mr. Krishnendu Bera
...for the petitioners.

Mr. Sukumar Bhattacharya
 Mr. Sukanta Ghosh
..for the Railway Authority.
 Mr. Chandi Charan De, A.G.P
 Mr. Anirban Sarkar
.. for the State

The present writ petitions are filed for removal of demarcating posts from the land of petitioners and for return of the portion of land forcibly occupied by the railways.

On the last occasion i.e. on 13th January, 2025, following submissions were advanced at the Bar.

Mr. Biswanath Chakrabarti, learned advocate for the petitioners submitted that the petitioners are the owners of the lands-in-question and their names have been duly recorded in the Record of Rights. The petitioners are willing to offer their lands to the railways for the project of third railroad track from Naihati to Ranaghat. The railway authorities have not initiated any acquisition proceedings for acquisition of the lands of the petitioners nor has paid any compensation. The petitioners are in possession of the lands-in-question.

On the contrary, Mr. Sukumar Bhattacharya, learned Advocate for the respondent-railway authorities submitted that as per the railway land Plan the land belongs to the railways and is denoted as '*Railway Land*' and thus the question of initiating acquisition proceeding does not arise at all.

Both the learned advocate, however, submitted that matter may be relegated to the Competent Authority for its decision.

Upon hearing, on the previous day, a query was raised by this Court in respect of the time line within which the Competent Authority would decide the issue.

Mr. Chandi Charan De, learned Additional Government Pleader, appearing on behalf of the Competent Authority, informs the Court that if the matter is relegated to the Competent Authority it would decide the issue within a period of two months from the date of communication of this order.

In view of such submissions liberty is granted to the petitioners to submit a comprehensive representation raising the issues before the Competent Authority under the Railways (Amendment) Act, 2008.

Upon such representation been made, the Competent Authority shall decide all the issues upon hearing the petitioners all interested parties, as well as the railway authorities and dispose of the representation by a reasoned order. Railway Authorities is also granted liberty

to place all the relevant records before the Competent Authority.

Learned advocate for the petitioner is directed to communicate this order to the Competent Authority under the Railways (Amendment) Act, 2008.

It is made clear that the Court has not gone into the merits of this writ petitions.

With the aforesaid observation all the writ petitions being WPA 5460/2017 with WPA 5462/2017 with WPA 5464/2017 with WPA 5465/2017 with WPA 5469/2017 with WPA 5471/2017 with WPA 5474/2017 with WPA 5476/2017 with WPA 5478/2017 With WPA 5481/2017with WPA 5489/2017 with WPA 5491/2017 with WPA 5494/2017 are disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)