

06.03.2025
Item No.83
Ct. No.01
RP/SM

WPA 13038 of 2017
Association For Protection of Democratic Right & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Raghunath Chakraborty

Mr. Mehboob Ahamed

....For Petitioners

Mr. Sanjit Kumar Ghosh

Ms. Mary Datta

....For Union of India

Mr. S.S. Arefin

...For Intervenors

1. This writ petition filed as a public interest litigation by the first petitioner, who claims to be a public body called as an Association for Protection of Democratic Right, Hooghly District Committee and the second writ petitioner is claiming to be the Secretary of the said association. Admittedly, there is nothing to show that the first petitioner is a registered body under any of the provisions of the Act which are in force in the State of West Bengal. This writ petition has been filed seeking to canvass the alleged right of certain private individuals in respect of a water body over which a railway line was proposed to be constructed about eight years back. According to the

Railway Administration, the land acquisition proceeding has been completed and compensation amount has also been paid. The other persons, who intervened in the matter, claim that there are more than 250 co-sharers in the water body and it is a very large extent and therefore if the railway line is to be constructed then it will grossly affect the water body and consequently not only the co-sharers of the water body will be affected but other agriculturists in the adjoining area will be affected and pisciculture activity will also be affected. Admittedly the project was conceived to put up a new railway line from Tarakeshwar-Bishnupur was sanctioned in the year 2000-2001. As per the report submitted by the Railways in a connected writ petition 85% of the project has been completed and delay in completion of the project is due to public agitation at Bhabadighi and the work is stopped since last eight years at the location. It is further submitted by the Railways that several meetings were conducted by higher officials at "Nabanna" to solve the matter but no fruitful result has come out. The Railways are hopeful that the project will be completed in the financial year 2025-2026. Admittedly the petitioners in WPA 13038 of 2017 are not the owners of the water body. In this writ petition the learned advocate appearing on behalf of the owners of the water body has

intervened and made certain submissions that there are more than 250 co-sharers of the water body. In any event, even assuming more than 250 people are co-sharers of the water body, their interest is ultimately a private interest and such interest will undoubtedly subside the public interest, which is establishment of the new railway line. It is very shocking to know that the project has been halted for eight years and as a result of which there has been cost escalation and this is also a loss to the public exchequer. However, we are of the view that the railway line, which has been proposed to be completed and in this regard all necessary support and action shall be provided by the State of West Bengal as well as the officials of the concerned district and Superintendent of Police, who is directed to deploy adequate police force to enable the Railways to commence the work. This direction be complied with within three months from the date of receipt of the server copy of this order.

2. Insofar as the technical feasibility is concerned we are assured that the Railway Administration has examined all aspects of the project. Nonetheless the endeavour of the railway administration should be to ensure that minimum extent of the water body is being utilized and ways and means are to explore so that the water body can remain as it is. Technical

feasibility including putting up pillars and laying down overhead line can also be considered. However, this is only suggestion and not a direction and it is the expert who can take proper decision.

3. With the above observation, this writ petition is dismissed.

[T.S. SIVAGNANAM]
CHIEF JUSTICE

[CHAITALI CHATTERJEE (DAS), J.]