

Court No. 2

**10.3.2025**

(Item No. 6)

(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 15247 of 2023**

**+**

**CAN 1 of 2025**

Raja Ram Das & Ors.

VS

Union of India & Ors.

Mr. Dulal Kumar Bhattacharyya

Mr. Deep Bhattacharyya

.... For the petitioners

Mr. Ranajoy Chatterjee

.... For Union of India

Mr. Subhabrata Das

Mr. Mrinal Kanti Das

Mr. Kartick Kumar Goyal

.... For respondent No. 3

Affidavit of service filed in Court today is taken on record.

Mr. Dulal Kumar Bhattacharyya, learned advocate appears for the petitioners with Mr. Deep Bhattacharyya, learned advocate.

Mr. Ranajoy Chatterjee, learned advocate appears for Union of India.

Mr. Subhabrata Das learned advocate appears for respondent No. 3.

The petitioners claimed that, portion of their land is forcefully being encroached upon by the local municipality under the garb of Ganga Action Plan.

Mr. Subhabrata Das, learned counsel appearing for respondent no. 3 referring to a notice dated **February 16, 2023, annexure P-1** at **page 21**

to the writ petition submits that, despite there being a hearing fixed inviting the petitioners to participate on **February 24, 2023**, the petitioners chose not to appear neither to be represented in the hearing, as a result the hearing could not take place. The Ganga Action Project is being carried out by Kolkata Metropolitan Development Authority, the nodal agency under the guideline issued by the Union of India. Kolkata Metropolitan Water and Sanitation Authority is also an authority who is involved in this project and maintains all relevant records.

Learned counsel Mr. Dulal Kumar Bhattacharyya appearing for the petitioners referring to **annexure P-1** at **page 12** to the writ petition submits that, the petitioners had submitted a representation through its advocate's letter dated **February 8, 2023** before the authorities named therein but the same has not been decided.

In view of the above, the respondent no. 3 upon issuing a prior notice of hearing of at least seven days to the petitioners, the appropriate authority of the **Kolkata Metropolitan Development Authority (KMDA)** and the appropriate authority of the **Kolkata Metropolitan Water and Sanitation Authority (KMWSA)** and after granting them an opportunity of hearing shall decide the said representation dated

**February 8, 2023** by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 3 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the parties who shall be participating in the hearing as referred to above including the petitioners positively within a period of **one week** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners. The petitioners and all other parties who shall participate in the hearing shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no. 3.

The parties shall produce all the relevant documents before the respondent no. 3. The respondent no. 3 while passing his reasoned order must and should consider all such relevant records and shall refer them in the reasoned order with his own and independent finding in accordance with law.

In the event, the reasoned order goes in favour of the petitioners then all the appropriate authorities shall take all necessary and consequential steps to

give an immediate effect thereto but positively within a period of **eight weeks** from the date of the said reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioners if the petitioners do not succeed to their respective claims before the respondent no. 3 strictly in accordance with law.

It is also made clear that, this Court has not gone into the question of right, title and interest on the alleged plot of land involved in this writ petition. The petitioners shall also produce all their title documents before the respondent no. 3 relating to the subject plot in this writ petition.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 15247 of 2023** stands **disposed of**, without any order as to costs.

Consequently, the interlocutory application being **CAN 1 of 2025** also stands **disposed of**.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**