

S/L 17
19.09.2025
Court. No. 19
Suwayan

WPA 22269 of 2025

**Manik Ray & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Syed Shamsul Arefin

...for the petitioners.

*Mr. Amal Kr. Sen, AAG
Mr. Tapan Kumar Mukherjee, AGP
Mr. Somnath Naskar
Mr. Sabyasachi Mondal*

...for the State.

Ms. Anamika Pandey

...for the Eastern Railway.

1. The writ petitioners, the respondents/State and its instrumentalities and the Union of India and its instrumentalities are represented by their respective Counsels.
2. On behalf of the writ petitioners an affidavit-of-service is filed and the same is taken on record. On behalf of the railway authority printout of some orders as passed in connection with WPA (P) 61 of 2025 (Rakesh Malik vs. Union of India & Ors.), the order of the Hon'ble Supreme Court dated 13.05.2025 as passed in connection with Petition(s) for Special Leave to Appeal (C) No(s). 13023/2025 (Association for Protection of Democratic Rights & Anr. vs. The State of West Bengal & Ors.) and a copy of the order dated 03.09.2025 as passed in CPAN 1303 of 2025 as passed by a Division Bench of this Court are filed and those are taken on record.

3. The subject matter of the instant writ petition is the alleged non-compliance of the orders of the Hon'ble Division Bench as passed in WPA (P) 61 of 2025 as well as the minutes of the meeting dated 22.05.2025 a copy of which has been annexed at page nos. 31 to 33 of the instant writ petition.
4. At the very outset Mr. Sen, learned A.A.G. appearing on behalf of the respondents/State raises the question of maintainability of the instant writ petition. It is submitted that pursuant to the order dated 06.03.2025 as passed by a Division Bench of this Court in WPA (P) 61 of 2025 as has been affirmed by the Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (C) no(s). 13023/2025 there is nothing to be decided in the instant writ petition since the subject matter of the instant writ petition is substantially the same with the subject matters as involved in the said Public Interest Litigation.
5. Such contention is, however, opposed by Mr. Arefin, learned Advocate appearing on behalf of the writ petitioner. In course of his submission, it is submitted by Mr. Arefin that pursuant to the orders passed by the Hon'ble Division Bench of this Court and the Hon'ble Supreme Court as mentioned (supra) the respondents/authorities had held a meeting on 22.05.2025 and the minutes of the meeting was reduced in writing and a copy of which has been annexed at page nos. 31 to 33. Drawing attention to page no. 34 being a copy of the map as prepared by the

Construction Department of Eastern Railway for construction of a new B.G. line from Tarakeswar and Bishnupur, it is submitted that from the plan as has been annexed with the instant writ petition it would reveal that the order of the Hon'ble Division Bench has not been complied with.

6. On being asked by this Court Mr. Arefin, however, could not show the alleged deviation on the part of the railway authority in complying the order dated 06.03.2025 as passed in the aforementioned writ petition.
7. This Court finds no pleading even no evidence to substantiate that for the construction of the said B.G. line, the railway authority did not adhere to the order of the Hon'ble Division Bench as passed on 06.03.2025 and the respondents/authorities are acting contrary to the aforementioned resolution.
8. In view of the discussion made hereinabove, this Court finds no merit in the instant writ petition.
9. Accordingly, WPA 22269 of 2025 is dismissed.
10. However, there shall be no order as to costs.
11. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)