

S/L 8
13.05.2025
Court. No. 19
Sourav

WPA 30956 of 2024

**Adwaita Samanta & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Panchanan Hajra

...for the petitioners.

*Mr. Somnath Ganguli, Ld. AGP
Mr. Sk. Md. Masud*

...for the State.

*Ms. Sanjukta Bhattacharjee
Ms. Tanusree Ghosh*

...for the respondent nos. 2 to 4.

1. The affidavit-of-service as filed in Court today is taken on record.
2. The writ petitioners, the respondent/State and its functionaries i.e., respondent nos. 1 and 5 and the railway authorities being respondent nos. 2, 3 and 4 are represented by their respective learned advocates.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent no. 5 commanding him to forward the application dated 09.04.2024 of the writ petitioners to the respondent no. 3. In the instant writ petition, the writ petitioners have also prayed for further issuance of appropriate writ/writs as against the respondent no. 3 for consideration of his said application in accordance with law.
4. In course of hearing, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to Page Nos. 20 to 22 of the

instant writ petition being a copy of the memo dated 25.06.2015 regarding the procedure for issuance of 'No Objection Certificate' for construction/redevelopment of Government and private buildings on land adjoining railway boundary.

5. It is submitted on behalf of the writ petitioners that from Page Nos. 31 to 35 of the instant writ petition, it would reveal that the writ petitioners have made a representation dated 09.04.2024 with the respondent no. 5/authority requesting him to forward their application to the respondent no. 3/authority for grant of 'No Objection Certificate' in view of the fact that the writ petitioners intend to construct their building over a plot of land which is situated within 30 meters from the railway boundary.
6. It is submitted that despite receipt of such letter, the respondent no. 5/authority practically sat tight over the matter and did nothing for which, the writ petitioners are suffering to a great extent.
7. Per contra, learned advocate appearing on behalf of the respondent/State draws attention of this Court to Page Nos. 20 and 21 of the instant writ petition, being a copy of the self-same memo dated 25.06.2015 as mentioned supra. It is submitted on behalf of the State that prior to forwarding the application of the writ petitioners, the respondent no. 5 must be satisfied with regard to the following:

- a) Clear title of land in favour of applicant supported by all related documents.
 - a) Detailed drawing of the building showing complete layout (including height, width and length).
 - b) Structural stability certificate by a Civil/Structural Engineer.
8. Upon careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition, grants liberty to the writ petitioners to file all relevant documents relating to their title over the plot of land including the detailed drawing of the building showing complete layout including height, width and length and structural stability certificate by a Civil/Structural Engineer as has been required to be submitted pursuant to the said memo dated 25.06.2015.
 9. The respondent no. 5 on receipt of those documents from the writ petitioners after giving an opportunity of hearing to the writ petitioners and/or their authorized representative shall take a decision by passing a reasoned order to the effect as to whether the writ petitioners' application can at all be forwarded to the respondent no. 3/authority or not.
 10. The entire exercise as indicated hereinabove is to be completed within 30 working days from the date of submission of the aforementioned three documents by

the writ petitioners with the respondent no. 5/authority along with server copy of this order.

11. In the event, the respondent no. 5 finds sufficient merit in the representation of the writ petitioners in the light of the documents as would be submitted by the writ petitioners with him, he shall forthwith forward the said representation along with all relevant documents to the respondent no. 3/authority.
12. The respondent no. 3 on receipt of such application of the writ petitioners through respondent no. 5, after giving an opportunity of hearing to the writ petitioners and/or their authorized representative shall take a decision by passing a reasoned order and shall communicate the same to the writ petitioners preferably through mail, if the mail details of the writ petitioners are provided him at the time of hearing.
13. The entire exercise as indicated hereinabove is to be completed by the respondent no. 3 within another 30 working days from the date of receipt of the copy of the representation of the writ petitioners from the respondent no. 5/authority.
14. The time limit as fixed by this Court is mandatory and preemptory.
15. Liberty is given to the learned advocate on record to forward the server copies of this order along with copies of the representation of the writ petitioners dated 09.04.2024 both to the respondent no. 5 and respondent no. 3 for their immediate compliance.

16. The respondent nos. 5 and 3 are directed to act on the server copies of this order.
17. Before parting with, it is made clear that in the event the respondent no. 3 finds no predicament in granting NOC in favour of the writ petitioners while disposing such reasoned order, it shall forthwith issue such NOC to the writ petitioners.
18. With the aforementioned observations, the instant writ petition being **WPA 30956 of 2024** is disposed of.
19. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)