

25th November,
2019
(AK)
18

W.P. 21543(W) of 2019

Raja Hazra & Anr.
Vs.
The Union of India & ors.

Ms. Sayanti Sengupta
Mr. Jamiruddin Khan
... For the petitioners.

Mr. Amal Kumar Datta
...For the respondent no.1.

Mr. Partha Sarathi Basu
Mr. Satyajit Takukdar
...For the respondent no. 7.

Mr. Sirsanya Bandopadhyay
Mr. Arun Kumar Nag
...For the State.

The petitioners' grievance is that the petitioners, being slum dwellers under the Tallah Bridge, were evicted therefrom upon being given the impression that appropriate rehabilitation would be provided to them. However, let alone any such rehabilitation being given, the petitioners are living either under the open sky or in make-shift plastic tents which have apparently been provided by the State.

Learned counsel for the petitioners submits on the basis of a purported notice dated November 6, 2019 by the Government of West

Bengal, Public Works Department that the said notice apparently notified that unauthorized encroachment under the Tallah Bridge, Shyam Bazar end at B.T. Road, were illegal and were to be removed. However, it is submitted that the eviction of the petitioners took place, along with other neighboring families, from the said area much prior to such date and as such was illegal.

Learned counsel for the petitioner further specifies that the petitioners and the other slum dwellers do not have any direct grievance with the repair and maintenance of the Tallah Bridge, since it is for a public purpose, but their grievance revolves around the rehabilitation and appropriate re-settlement of the evicted persons.

Learned counsel appearing for the State of West Bengal submits that there is some doubt as to the locus standi of the petitioners in taking out the instant writ petition. First, he submits, the petitioners cannot represent other slum dwellers in the area in the form in which the present writ petition is couched. Secondly, the name of the petitioner no.2 does not find place, according to learned counsel for the State, even in the list of evicted persons supplied by the slum dwellers themselves. Moreover, it is argued that none is residing under the open air but adequate tents and toilet facilities have been provided.

It is further submitted that outsiders cannot, in an oblique manner, by taking advantage of humanitarian considerations, enter

into a re-settlement package with the Government if they were not amongst the persons originally in possession and evicted from under the Tallah Bridge in the first place.

There is justification in the objection taken as well as a sufficient prima facie case made out by the petitioners.

In view of such allegations and counter allegations, the petitioners are granted leave on verbal prayer under Order 1 Rule 8 of the Code of Civil Procedure, which principle is applicable to writ petitions as well, to represent the allegedly evicted slum dwellers from under the Tallah Bridge.

Accordingly, the respondents are directed to file their respective affidavits-in-opposition within a fortnight from date. Reply, if any, to be filed within one week thereafter.

The matter will appear in the list as a listed motion on January 7, 2020.

(Sabyasachi Bhattacharyya, J.)