

GAHC010081912023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2594/2023

BENOY KUMAR THADANI
SON OF LATE D.D. THADANI,
RESIDENT OF HOUSE NO. 134,
RAILWAY NETAJI COLONY,
NEAR DIMAPUR MUSIC COLLEGE,
DIMAPUR, NAGALAND- 797112.
VERSUS
THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT OF INDIA,
RAIL BHAWAN, NEW DELHI.
2:THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI- 781011.
3:THE DIVISIONAL RAILWAY MANAGER
N.F. RAILWAY
LUMDING
ASSAM.
4:THE SENIOR DIVISIONAL COMMERCIAL MANAGER (DCM)
N.F. RAILWAY
LUMDING
ASSAM.
5:THE STATION SUPERINTENDENT
N.F. RAILWAY
DIMAPUR
NAGALAND.
6:THE COMMERCIAL INSPECTOR
N.F. RAILWAYS
DIMAPUR
NAGALAND

Advocate for the Petitioner : MS. B S GOYAL

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

12.05.2023

1. Heard Ms. B.S. Goyal, learned counsel for the petitioner, who submits that the petitioner has been living in a house constructed over railway land. She submits that the petitioner's father had been running a tea stall in the railway station and after his death, the petitioner's mother was running the tea stall.
2. The N.F. Railway, on 25.08.1975, accorded sanction to the petitioner's mother for licensing a strip of railway land for temporary occupation by the petitioner's mother and her family. Accordingly, a house was constructed and the petitioner is living in the said house till today, while his wife is continuing with the catering business.
3. The petitioner's counsel submits that a letter dated 11.02.2023 was issued by the respondent no.5, for removal/vacation of stalls of the catering vendors whose licences had expired. The petitioner's counsel submits that the said letter, while not covering the land occupied by the petitioner, has inadvertently reflected the name of the petitioner's mother.
4. The petitioner's counsel submits that the petitioner had thereafter submitted a representation dated 14.02.2023 to the respondent no.2, praying that the petitioner should be excluded from the list of unauthorized occupants of railway land and reduce the licence fee, besides allowing him to stay in his house. The petitioner's counsel submits that the said representation has not been decided till date by the respondent no.2.

5. Mr. A.K. Dutta, learned counsel appearing for all the respondents submits that the writ petition can be disposed off, if the respondent no.2 is directed to dispose off the petitioner's representation dated 14.02.2023 and in the meantime, no action will be taken by the respondents in pursuance to the letter dated 11.02.2023 issued by the respondent no.5.

6. On perusing the contents of the writ petition, this Court finds that the petitioner's representation dated 14.02.2023, addressed to the respondent no.2, has not been made a part of the writ petition. Be that as it may, as the petitioner's counsel has submitted that no decision has been taken on the petitioner's representation dated 14.02.2023, this Court is of the view that the said representation should be disposed off. Accordingly, the respondent no.1 is directed to dispose off the petitioner's representation dated 14.02.2023. Till a decision is taken by the respondent no.2, no steps should be taken by the respondents for eviction of the petitioner from the railway land in pursuance to the letter dated 11.02.2023 issued by the respondent no.5. The petitioner shall serve a copy of this order to the respondent no.2 within a period of 1 (one) week from today.

7. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant