

GAHC010001492023



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

**Case No. : WP(C)/21/2023**

JINNAT ARA BEGUM  
W/O- NURUL AMIN,  
RESIDENT OF AMINPATTY,  
H/NO.- 204, P.O.- NAGAON,  
P.S.- NAGAON SADAR,  
DIST.- NAGAON (ASSAM).

VERSUS

THE UNION OF INDIA AND 6 ORS  
TO BE REPRESENTED BY THE MINISTRY OF RAILWAYS,  
GENERAL MANAGER, NORTHEAST FRONTIER RAILWAYS,  
MALIGAON, GUWAHATI-11.

2:THE SENIOR SUB-DIVISIONAL ENGINEER CO-ORDINATOR  
NORTHEAST FRONTIER RAILWAYS  
MALIGAON  
GUWAHATI-11.

3:THE SENIOR SECTION ENGINEER WORKS (I/C)  
NORTHEAST FRONTIER RAILWAYS  
CHAPARMUKH

DIST.- NAGAON (ASSAM).

4:THE JUNIOR ENGINEER WORKS (I/C)  
NORTHEAST FRONTIER RAILWAYS  
CHAPARMUKH  
DIST.- NAGAON (ASSAM).

5:THE DEPUTY COMMISSIONER  
NAGAON  
DISTRICT- NAGAON (ASSAM).

6:THE CIRCLE OFFICER  
NAGAON  
SADAR CIRCLE  
DIST. NAGAON (ASSAM).

7:THE OFFICER-IN-CHARGE  
NAGAON POLICE STATION  
DIST. NAGAON (ASSAM)

Advocate for the petitioner(s) : Mr. A. R Bhuyan

Advocate for the respondent(s): Mr. K.K. Parashar

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 24.07.2024**

The instant writ petition has been filed by the petitioner challenging the notice dated 28.12.2022 whereby the Junior Engineer Works had directed the petitioner to vacate the railway land on or before 06.01.2023.

2. It is seen that this Court vide an order dated 06.01.2023 had stayed the said notice on the ground that the same has been done so without following the due process.

3. I have heard Mr. A. R. Bhuyan, the learned counsel appearing on behalf of the petitioner and Mr. K.K Parashar, the learned counsel appearing on behalf of the Railways.

4. This Court duly takes note of that there is a procedure mandated under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 for eviction from Public Premises which includes Railway lands.

5. It has also been brought to the attention of this Court that there is an Estate Officer of the NF Railway.

6. Under such circumstances this Court finds no reason as to why the Junior Engineer Works had directed the petitioner to vacate the land by the

impugned notice dated 28.12.2022. Accordingly as the said impugned notice dated 28.12.2022 is an exercise of power without following the due process the said impugned notice is interfered with and accordingly set aside.

7. Before parting with the records, this Court observes that the setting aside of the impugned notice shall not act as an impediment upon the Railway Authorities to take action in terms with the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

8. With the above observation(s) and direction(s) the instant writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**