

GAHC010112802024



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

Case No. : WA/203/2024

MANOJIT DAS GUPTA
S/O- BINODE BEHARI DAS GUPTA, R/O- RGS ROAD, BYE LANE NO. 4,
BINOVA NAGAR, KAHILIPARA, GUWAHATI-18, KAMRUP(M), ASSAM

VERSUS

THE UNION OF INDIA AND 3
REPRESENTED BY ITS SECRETARY, MINISTRY OF RAILWAY, RAIL
BHAVAN, RAISINA ROAD, NEW DELHI-1.

2:THE NORTH EAST FRONTIER RAILWAY
MALIGAON
REPRESENTED BY ITS GENERAL MANAGER
MALIGAON
GUWAHATI-781011
KAMRUP(M)
ASSAM

3:THE GENERAL MANAGER
THE NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI-781011
KAMRUP(M)
ASSAM

4:THE RAILWAY LAND DEVELOPMENT AUTHORITY
REPRESENTED BY ITS CHAIRMAN
UNIT NO. 702-B
7TH FLOOR
KONNECTUS TOWER-2
DMRC BUILDING
AJMERI GATE

DELHI-110002

For the Appellant (s) : **Mr. B. Sinha, Advocate,**
Mr. S. Saikia, Advocate.

For the Respondent(s) : Mr. K. Gogoi, Advocate.

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KARDAK ETE

21.06.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the order dated 06.05.2024 passed by the learned Single Judge in WP(C) No.864/2024, whereby the writ petition filed by the appellant has been dismissed.

2. Admittedly, the appellant is an encroacher over the land belonging to the Railways. Proceedings under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 were initiated against the appellant and in those proceedings, the Estate Officer of N.F. Railway has ruled against the appellant and issued a direction for vacating the land belonging to the Railways. Appeal filed by the appellant against the decision of the Estate Officer, N.F. Railway also came to be dismissed and thereafter, the appellant has approached this Court by way of filing writ petition in the year, 2014. The writ petition, being, WP(C) 2017/2014 filed by the appellant came to be disposed of by the learned Single Judge vide order dated 22.08.2023, wherein, the learned Single Judge, has specifically observed that there is no infirmity in the order passed by

the Estate Officer of the N.F. Railway as well as the Appellate Authority. However, liberty was granted to the appellant to move a representation before the General Manager of the N.F. Railways for accommodating him by giving licence. A further direction was given to the General Manager, N.F. Railways to consider the representation filed by the appellant compassionately and if permissible under the extant Rules as well as the policies of the Railways.

3. Pursuant to the order dated 22.08.2023, the appellant filed a representation which came to be rejected by the Railways and, therefore, the appellant has preferred WP(C) No.864/2024 before this Court, which came to be dismissed by the learned Single Judge vide the impugned order.

4. The learned Single Judge, while dismissing the said writ petition, has also taken into consideration the fact that along with the appellant, one Dilip Kumar Das has also filed a writ petition [WP(C) No.2016/2014] being aggrieved with the orders of the Estate Officer and the Appellate Authority, which was also dismissed by the learned Single Judge, while affirming the order passed by the Eviction Officer in the Appellate Authority and granting liberty to him to approach the Railways for accommodating him by giving a licence. When the representation of Dilip Kumar Das was dismissed, he preferred another writ petition, being WP(C) No.1608/2024 before this Court, which came to be dismissed by a Coordinate Bench of this Court on 20.03.2024 and, therefore, the writ petition filed by the present appellant is also liable to be dismissed.

5. The learned Single Judge has also opined that once the claim of the appellant against the eviction notice issued by the Estate Officer has already been adjudicated by this Court and this Court has found no illegality in the order of the Eviction Officer, the appellant is not entitled to any relief as the said order

of the learned Single Judge has attained finality.

6. Having heard the learned counsel for the appellant and after going through the material available on record, we do not find any case for interference in the impugned order passed by the learned Single Judge. Hence, this writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant