

GAHC010213692024



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

Case No. : WP(C)/5251/2024

RAM NARAYAN SINGH
S/O- LATE GENA SINGH,
R/O- QUARTE NO. DS/10/C,
PANBAZAR RAILWAY COLONY,
PANBAZAR, DIST.- KAMRUP(M),
ASSAM, GHY-01.

VERSUS

THE UNION OF INDIA AND ANR.
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY,
MALIGAON, GUWAHATI-11.

2:THE SENIOR SECTIONAL ENGINEERS/ WORKSHOP
GUWAHATI (SSE/W/GHY)
N.F. RAILWAY
GUWAHATI
ASSAM

For the Petitioner(s) : Mr. R. Ali, Advocate

For the Respondent(s) : Ms. S. Baruah, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 04.10.2024

Heard Mr. R. Ali, the learned counsel appearing on behalf of the
Petitioner and Ms. S. Baruah, the learned Standing counsel appearing on

behalf of the Respondent Nos. 1 and 2.

2. The Petitioner has assailed the notice dated 07.09.2024 whereby the Petitioner has been asked to vacate the quarter within 7 (seven) days to avoid further eviction procedure.

3. From a perusal of the materials on record, it reveals that the Petitioner was earlier employed in the Railway Police and during his course of employment, the petitioner was allotted a quarter bearing Railway Quarter No.DS/10/C. On 31.12.2023, the Petitioner retired from his service after completing 60 years. Thereupon, the Petitioner continued to remain in the said quarter although the Petitioner could not have continued beyond a specific period. It is under such circumstances, the eviction notice enclosed at Annexure-3 to the writ petition was issued.

4. Mr. R. Ali, the learned counsel for the Petitioner submitted that the Petitioner would vacate the quarter on or before 31.10.2024 and as such some further time may be given so that the Petitioner could arrange for alternative accommodation.

5. Ms. S. Baruah, the learned Standing counsel for the Railway Administration submitted that the Petitioner had no right to remain in possession of the quarter in question after he had already superannuated as far back as on 31.12.2023. She further submitted that continuing to reside in the quarter have a resultant effect on depriving those persons in employment of the Railways who are entitled to the quarter.

6. This Court upon hearing the learned counsel for the Petitioner is of the opinion that the impugned eviction notice so issued to the petitioner

dated 07.09.2024 calls for no interference.

7. Be that as it may, taking into account that the Petitioner has given an undertaking before this Court that he would vacate on or before 31.10.2024 and taking into account that the Petitioner would be in great difficulty if immediately evicted, this Court on humanitarian ground permits the Petitioner to reside at the quarter till 31.10.2024. It is however made very clear that if the Petitioner fails to vacate the quarter on or before 31.10.2024 as per the undertaking given before this Court, it shall amount to a contempt for which consequences shall follow.

8. The Railway Authorities are directed not to disturb the possession of the Petitioner till 31.10.2024 and if the Petitioner fails to vacate the quarter, appropriate steps be taken to take over the possession of the quarter. Taking into account that the Petitioner is being permitted to use the quarter till 31.10.2024, the Railway Authority shall restore the electricity subject to payment of the dues by the Petitioner.

9. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant