

Single Bench

IN THE HONOURABLE HIGHT COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION (C) No. 1873 /2013.

PETITIONER:

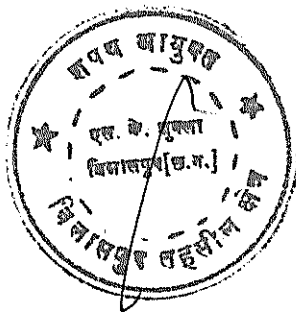
1. B.Kameshwar Rao S/o Late B Laxmana Age 53 Years.
2. Kejabai Vishwakarma W/o Late Mahadev Vishwakarma Age 80 Years
3. Jhumka Yadav S/o Brijram Yadav Age 79 Years
4. Dukalhaa Nirmalkar S/o of Bhagwani Age 79 Years
5. Anthony Pal S/o Peter Pal Age: 75 Years.
6. Parvati Shau W/o Nathau Sahu Age 60 Years.
7. Sadhmati Goud W/o Chotu Dhruv Age 49Years.
8. Nirmala Baghel W/o Suresh Baghel Age 44Years.
9. Pramila Bai W/o Ramesh Singh Age 40Years.
10. Noorjahan W/o Late Sabeer Ahmed Age 38 Years.

All residents of the Ward No.55 (Tripursundari ward of Municipal Corporation Bilaspur, Chhattisgarh), commonly known as Jhopadapara, Bilaspur, P.O. & Police Station: Sirgitti, Tahsil, Civil & Revenue District: Bilaspur, Chhattisgarh PIN - 495004.

VERSUS

RESPONDENTS

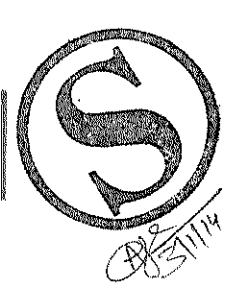
1. Union of India through its Cabinet Secretary, Cabinet Secretariat, Government of India, Rashtrapati Bhawan, New Delhi, PIN - 110014.
2. Chief Security Commissioner (Railway Protection Force, South East Central Railway, SECR Zonal Headquarter, Bilaspur, Chhattisgarh, PIN 495 004.



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3. South East Central Railway through its General Manager, SECR Zonal Headquarter, Bilaspur, Chhattisgarh, PIN 495 004.
4. Indian Railways, through its Railway Board Chairman, Rail Bhawan, New Delhi, PIN- 110014,
5. State of Chhattisgarh Through: The Secretary, Town Administration and Development Department, Mantralaya New Secretariat, Mahanadi Gate, Raipur P.O. Raipur Main, P.S. Mana, Tahsil: Raipur, Civil & Revenue District: Raipur, C.G. PIN- 492001.
6. Municipal Corporation Bilaspur, Through its Municipal Commissioner, Town Hall, Bilaspur, Tahsil: Bilaspur, Civil & Revenue District: Bilaspur, Chhattisgarh. PIN- 495001.

WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA



HIGH COURT OF CHHATTISGARH : BILASPUR
WRIT PETITION (C) No. 1873 of 2013

PETITIONERS

B. Kameshwar Rao & others

Versus

RESPONDENTS

Union of India & others

(Writ Petition under Article 226 of the Constitution of India)
Single Bench : Hon'ble Shri Pritinker Diwaker, J.

Present :- Shri Mirza Kaiser Baeg, Advocate for the petitioners.
Shri Kasif Shakeel, Advocate for the Union of India/ respondent No.1.
Shri Abhishek Sinha, Advocate for the respondent Nos. 3 & 4.
Shri Rahul Tamaskar, Panel Lawyer for the State/ respondent No.5.

ORDER
(01.01.2014)

According to the petitioners, they are in possession of some land of the railways and have erected huts thereupon but now the Railway Authorities have issued eviction notices to them.

2. Counsel for the petitioners submits that the financial condition of the petitioners is so pathetic that they cannot afford to raise their huts at some other place and therefore the Railway Authorities may be directed not to evict them.

3. Shri Sinha counsel for the railways submits that the petitioner No.1 is a Councilor of the Municipal Corporation and present writ petition has been filed by him to espouse his political interest. He further submits that in view of various judgments of the Supreme Court as well as the order of this Court in W.P. No. 622 of 2005 dated 09th October, 2007, the petitioners have no right to have their hutment on the railways' land.

4. At this stage, counsel for the petitioners wants to withdraw this petition with liberty to file representation before respondents No.3 & 5. He however seeks a direction to the authorities concerned to decide their representation at an early date. This submission of the counsel for the petitioners has been seriously opposed by the counsel for the railways as well as the State Government.

5. Be that as it may, in the eventuality of filing any representation by the petitioners, the same may be decided by the authorities concerned in accordance with law.

6. It is made clear that this Court has not observed anything on merits of the case and the authorities concerned would be at liberty to consider and decide the representation of the petitioners strictly in accordance with law.

Sd/-
Pritinker Diwaker
Judge