

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.561 of 2016

Nakchhedu Ram, S/o Paras Ram Dhiwar, aged about 49 years,
R/o Industrial Ward, Dhamtari, Distt. Dhamtari (C.G.)

---- Petitioner

Versus

1. Union of India, through the Chief Manager, South East Central Railway, Garden Reach, Kolkata (West Bengal).
2. Senior Superintending Engineer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)
3. Estate Officer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)

---- Respondents

Writ Petition (Art. 227) No.563 of 2016

Yogendra Singh Chhabda, S/o Kartal Singh, aged about 55 years,
R/o Industrial Ward, Dhamtari, Distt. Dhamtari (C.G.)

---- Petitioner

Versus

1. Union of India, through the Chief Manager, South East Central Railway, Garden Reach, Kolkata (West Bengal).
2. Senior Superintending Engineer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)
3. Estate Officer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)

---- Respondents

Writ Petition (Art. 227) No.564 of 2016

Ratanlal Agrawal, S/o Late Shri Ghasiram, aged about 62 years,
R/o Industrial Ward, Dhamtari, Distt. Dhamtari (C.G.)

---- Petitioner

Versus

1. Union of India, through the Chief Manager, South East Central Railway, Garden Reach, Kolkata (West Bengal).

2. Senior Superintending Engineer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)
3. Estate Officer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)
---- Respondents

Writ Petition (Art. 227) No.571 of 2016

Murli Manohar Dewangan, S/o Shyamlal Dewangan, aged about 48 years, R/o Industrial Ward, Dhamtari, Distt. Dhamtari (C.G.)
(Applicant)
---- Petitioner

Versus

1. Union of India, through the Chief Manager, South East Central Railway, Garden Reach, Kolkata (West Bengal).
2. Senior Superintending Engineer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)
3. Estate Officer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)
(Non-applicants)
---- Respondents

AND

Writ Petition (Art. 227) No.572 of 2016

Amit Kashyap, S/o Late Arun Kashyap, aged about 51 years, R/o Industrial Ward, Dhamtari, Distt. Dhamtari (C.G.)
---- Petitioner

Versus

1. Union of India, through the Chief Manager, South East Central Railway, Garden Reach, Kolkata (West Bengal).
2. Senior Superintending Engineer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)
3. Estate Officer, South East Railway (now South East Central Railway), Management Compound, WRS Colony, Raipur (C.G.)
(Non-applicants)
---- Respondents

For Petitioners:	Mr. B.D. Guru, Advocate.
For Respondents:	Mr. Abhishek Sinha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/11/2016

1. Heard on admission.
2. Since common question of fact and law is involved in these writ petitions, they are taken-up for hearing together and are being disposed of by this common order.
3. These writ petitions have been filed questioning the order of the Additional District Judge (FTC), Dhamtari rejecting the petitioners' applications for staying the effect and operation of the order of eviction.
4. This Court entertained the writ petitions on 21-9-2016 and the statement made by learned counsel for the respondents that there is no likelihood of dispossession of the petitioners, was recorded. Since substantive appeals are pending consideration before the appellate authority i.e. the Additional District Judge (FTC), Dhamtari, and it is stated at the Bar that all the appeals are listed before the learned Additional District Judge on 24-11-2016, I deem it appropriate to dispose of the writ petitions by directing the appellate authority to hear and dispose of the appeals as expeditiously as possible preferably on or before 9-12-2016. It is ordered accordingly.
5. At this stage, learned counsel for the respondents submits that in

W.P. (Art. 227) No.344/2016 (Mohd. Nashad v. Union of India and others), interim protection was granted by a coordinate Bench of this Court in similar situation.

6. Considering the facts and circumstances of the case, it is directed that the petitioners shall not be dispossessed till the final order is passed by the appellate authority in the appeals. The appeals be positively decided on or before 9-12-2016.
7. It is made clear that this Court has not expressed any opinion on the merits of the case and the appellate authority is free to decide the appeals in accordance with law on the basis of material available on record.
8. With the aforesaid observation and direction, all the writ petitions stand finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge