

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12443 of 2014

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Krishna Mistri S/O Late Badri Mistri, Resident of near gate no. - 35, Khagaul, P.O.
- Khagaul, P.S. Khagaul, District - Patna.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hazipur, P.O. - Hazipur, District - Vaishali.
2. The Divisional Railway Manager, East Central Railway, Danapur Office, P.O. - Khagaul, District- Patna.
3. The Estate Officer, East Central Railway, DRM Office, Danapur, P.O. - Khagaul, District - Patna.
4. The Senior Section Engineer (Works) line, East Central Railway, Danapur, P.O. - Khagaul, District - Patna.
5. The Senior Divisional Engineer (Co-Ordination) East Central Railway, Danapur, P.O. - Khagaul, District - Patna.
6. Gopal Singh S/o Late Nanhe Singh C/o Shyam Narayan Ram, Resident of moh. - Chhoti Badalpura, P.O. - Khagaul, District - Patna.
7. Shyam Narayan Ram S/o Late Ram Gulam Ram, Resident of moh. - Chhoti Badalpura, P.O. - Khagaul, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Verma, Advocate
For the Railways : Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-02-2017

Heard learned counsel for the parties.

Learned counsel for the petitioner submitted that the writ petitioner has died during the pendency of the writ application.

The petitioner has moved the Court against the notice issued to remove unauthorized building construction on the land claimed by the Railways dated 10.12.2013 under Section 4(1) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as the 'Act'). He submitted that the land was



bought by him under registered sale deed and thus, the Railways cannot claim the same and the proceeding is misconceived.

Learned counsel for the Railways raised a preliminary objection and submitted that under the Act, a statutory remedy of appeal is provided under Section 9 after an order is passed under Section 4 of the Act. He further submitted that Section 15 puts a bar to interference by any Court. Learned counsel submitted that on the first day, the petitioner had appeared but thereafter, he moved this Court in the present writ application and the matter is still pending. On a query as to why proceeding has not been taken to its logical conclusion, the reply is that it is because of the pendency of the present writ application.

Having considered the aforesaid, the Court directs that the proceeding be taken to its logical conclusion expeditiously. Learned counsel for the petitioner submitted that his heirs shall cooperate in the proceeding.

It is made clear that final order shall be passed by the Competent Authority latest by 15th March, 2017, even if the heirs of the petitioner do not cooperate. The Court hopes and trusts that they shall cooperate as the order has been passed on the stand taken by learned counsel appearing on their behalf and violation of the same, besides entailing other consequences, shall also amount to breach of



undertaking before the Court.

Till then, no coercive steps shall be taken against the heirs of the petitioner in terms of the impugned notice.

(Ahsanuddin Amanullah, J.)

P. Kumar

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