

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19231 of 2015

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Gopal Chandra Das Son of Late Ladu Mohan Das resident of Mohalla - Laliyahi,
Ward No. 10, Katihar, P.S. Katihar, District - Katihar

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Railway, Rail Bhawan, New Delhi
2. The Chief General Manager, N.R. Railway, Zonal Headquater, Mali Gaon, Guwahati (Assam)
3. The Chief Commercial Manager, N.R. Railway, Katihar Division Katihar
4. The Senior Divisional Engineer (C) N.F. Railway, Katihar Division Katihar
5. The Divisional Finance Manager, N.F. Railway, Katihar Division Katihar
6. The Eastate officer - Cum - DEN/IV/KTR, N.F. Railway, Katihar

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 19208 of 2015

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Awadhesh Kumar Singh son of Late Gajendra Narain Singh resident of G.R.P.
Chowk, Katihar, P.S. and District Katihar

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Railway, Rail Bhawan, New Delhi
2. The Chief General Manager, N.F. Railway, Zonal Head-Quarter Mali Gaon, Guwahati (Assam)
3. The Chief Commercial Manager, N.F. Railway, Katihar Division, Katihar
4. The Senior Divisional Engineer (C), N.F. Railway, Katihar Division, Katihar
5. The Divisional Finance Manager, N.F. Railway, Katihar Division, Katihar
6. The Estate Officer-cum-DIN/IV/KTR, N.F. Railway, Katihar

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 19364 of 2015

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Ramesh Prasad Son of Sri Narsingh Prasad Resident of Railway Emergency Colony
, near G.R.P. Chowk, Katihar, P.s and District Katihar.

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Railway Rail Bhawan, New Delhi.
2. The Chief General Manager, , N.F. Railway, Zonal Headquarter, Maligaon, Guwahati,(Assam)
3. The Chief Commercial Manager, N.F. Railway Katihar Division , Katihar.
4. The Senior Divisional Engineer(C) N.F. Railway Katihar Division, Katihar.



5. The Divisional Finance Manager, N.F. Railway Katihar Division, Katihar.
6. The Estate Officer-cum-DEN/IV/KTR, N.F. Railway , Katihar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 19486 of 2015

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Prabhu Nath Singh son of Late Chandrama Singh resident of Mohalla Mission Road, Indira Nagar, Laliyahi, P.O. P.S. and District Katihar.

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Railway, Rail Bhawan, New Delhi.
2. The Chief General Manager, N.F. Railway, Zonal Headquarter Mali Gaon, Guwahati (Assam).
3. The Chief Commercial Manager, N.F. Railway, Katihar Division, Katihar.
4. The Senior Divisional Engineer (C) N.F. Railway Katihar Division, Katihar.
5. The Divisional Finance Manager, N.F. Railway, Katihar Division, Katihar
6. The Estate Officer-cum-DEN/IV/KTR, N.F. Railway, Katihar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 19575 of 2015

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Navin Kumar Saha, son of Sri B.N. Saha, resident of Mohalla O.T. Para, P.S. and District Katihar.

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Railway, Rai Bhawan, New Delhi.
2. The Chief General Manager, N.F., Railway, Zonal Head Quarter, Mall Gaon, Guwahati (Assam).
3. The Chief Commercial Manager, N.F. Railway, Katihar Division, Katihar.
4. The Senior Divisional Engineer (C), N.F. Railway, Katihar Division, Katihar.
5. The Divisional Finance Manager, N.F. Railway, Katihar Division, Katihar.
6. The Senior Section Engineer/Works/Waste, N.F. Railway, Katihar.

.... Respondent/s

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Appearance :

(In CWJC No.19231 of 2015)

For the Petitioner/s : Mr. Bhola Prasad, Adv.
Mr. Mukesh Kumar Jha, Adv.

For the Railway : Mr. Anil Singh, Adv.

(In CWJC No.19208 of 2015)

For the Petitioner/s : Mr. Bhola Prasad, Adv.
Mr. Mukesh Kumar Jha, Adv.

For the Railway : Mr. Anil Singh, Adv.



(In CWJC No.19364 of 2015)

For the Petitioner/s : Mr. Bhola Prasad, Adv.
Mr. Mukesh Kumar Jha, Adv.

For the Railway : Mr. Anil Singh, Adv.

(In CWJC No.19486 of 2015)

For the Petitioner/s : Mr. Bhola Prasad, Adv.
Mr. Mukesh Kumar Jha, Adv.

For the Railway : Mr. Anil Singh, Adv.

(In CWJC No.19575 of 2015)

For the Petitioner/s : Mr. Bhola Prasad, Adv.
Mr. Mukesh Kumar Jha, Adv.

For the Railway : Mr. Anil Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date: 30-03-2017

As similar issue has been raised in all these writ applications, the same are disposed of by this common order.

Heard learned counsel for the petitioner and counsel for the Railway Authorities in all the cases.

A grievance has been raised by the petitioners that the licence fee has been enhanced extremely high retrospectively and they are incapable to pay the same, whereas, the Railway Administration has taken a plea that the licence fee has not been enhanced retrospectively but, has been enhanced year to year basis and they are required to pay the licence fee if they want to continue with possession of the property of the Railway. Now they cannot raise a grievance that they would pay the licence fee in their own terms and they will continue in the occupation of the property of the Railway. It has further been submitted by the Railway Authority that the enhancement has been made in view of the Circular of the year 1987 whereas learned counsel for the petitioners



has submitted that they have enhanced the licence fee in terms of 2005 Circular.

Learned counsel for the Railway submits that the order of the Estate Officer is appealable and, as such, instead of approaching the District Judge, who is the appellate authority under Section 9 of the Public Grievance Act, the petitioners have approached this Court without exhausting the alternative remedy.

Learned counsel for the petitioners has fairly submitted that the petitioners in all the cases have filed a representation before the Estate Officer.

Let the Estate Officer, N.F. Railway, Katihar should examine the representation of the petitioners and take a decision by passing an order in accordance with law as also taking into consideration the Circulars issued from time to time within a period of one month from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, all the writ applications are disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2017
Transmission Date	

