

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.2362 of 2017

Rajesh Kumar Das, S/o Shri R.C. Das, aged about 30 years, R/o CSEB Road, Ward No.23, Champa, P.S. Champa, District Janjgir-Champa (CG).

---- Petitioner

Versus

1. South Eastern Central Railway, through Chairman-cum-Managing Director, South Eastern Central Railway, Head Quarter, Bilaspur (CG).
2. Senior Divisional Engineer (East), South Eastern Central Railway, Senior Divisional Engineer (Coordination) Office, Titli Chowk, Railway Settlement, Bilaspur (CG).
3. Senior Section Engineer (Works), South Eastern Central Railway, Champa, District Janjgir-Champa (CG).

--- Respondents

For Petitioner : Mr. Chandresh Shrivastava, Advocate
For Respondents : Mr. R.S. Patel, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

30/08/2017

(1) Learned counsel appearing for the petitioner would submit that the impugned order dated 09.08.2017 passed by respondent No.2 by which, the petitioner has directed for vacating the subject premises/shop is unsustainable and bad-in-law.

(2) Per contra, Mr. R.S. Patel, learned counsel appearing for the respondents would support the impugned order and oppose the submission made by learned counsel for the petitioner.

(3) I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

(4) The Railway Board has clearly held that the petitioner is not a licensee and the respondent Railway has never issued any license in his favour. It has also been held that the subject premises/shop was

earlier allotted on license basis for temporary occupation in the name of his uncle Mr.Mrinal Kanti Das who is no more and the validity period of license has also expired and he is unauthorized occupant/encroacher of the subject premises/shops, which is completely illegal. Further, it has also been held that on account of this encroachment/unauthorized occupation, the station approach road is being congested in day to day movement of Road users/public/passengers as this Road is a main road/Approach road and creating inconvenience to the public and passengers.

(5) After hearing learned counsel for the parties and after going through the impugned order, the Respondent-SECR has clearly recorded a finding that the petitioner is unauthorised occupant/encroacher of the premises/shops in which I do not find any jurisdictional error in the impugned order.

(6) Consequently, the writ petition deserves to be and is accordingly dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-