

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9846 of 2018**

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1. Nandlal, and
2. Bablu Lal, Both Sons of Late Kanhaiya Lal and Tara Devi, Residents of Nyay Nagar, Jug (Judge) Colony, Khedarpura Sarari, P.O.- Khagaul, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, Distt- Vaishali.
2. The Divisional Railway Manager, Danapur, Patna.
3. Divisionl Engineer (Head Quarter), Danapur Division, East Central Railway, Danapur, Patna.
4. Senior Divisional Engineer (Co-ordination), Danapur Division, East Central Railway, Danapur, Patna.
5. Divisional Engineer (3), Danapur Division, East Central Railway, Danapur, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Awadh Bihari Ojha, Sr. Adv.<br>Mr. Nitesh Kumar, Adv.<br>Mr. Anand Vardhan, Adv. |
| For Railways         | : | Mr. Siddhartha Prasad, Adv.                                                          |

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      23-07-2018                      Heard Sri Awadh Bihari Ojha, learned Senior counsel for the petitioners and Sri Siddhartha Prasad, learned counsel appearing on behalf of the Railways.

Petitioners have filed I.A. No. 5306 of 2018 challenging the order dated 25.06.2018, Annexure 22 passed by the Divisional Engineer Headquarters, East Central Railway, Danapur, by which petitioners have been asked to vacate the premises allotted to them. I. A. No. 5306 of 2018 is allowed and treated as part of the record.



The present writ application has a chequered history. A piece of land measuring 30 feet x 14 feet i.e. 420 sq. feet near Ekka stand, Danapur Railway Station was allotted to the original allottee on license. Thereafter the said license was granted in favour of his son one Late Kanhaiya Lal and after his death it was allotted to his wife Smt. Tara Devi. By order dated 25.05.2011, license of Tara Devi was cancelled by Letter No. W-9/Bhoomi/Misc. and she was directed to vacate the aforesaid land of the Railways against which the allottee Smt. Tara Devi moved in writ application challenging the order dated 25.05.2011. Challenge was put to the said order before this Court in CWJC no. 10013 of 2011 and by order dated 07.07.2011, which is Annexure 11, this Court directed the Divisional Rail Manager, East Central Railway, Danapur, Respondent No. 2 to dispose of the representation and till then the authorities were restrained from evicting the said Smt. Tara Devi.

Smt. Tara Devi had then challenged the order again asking her to vacate the premises vide notice dated 07.12.2017 bearing Case No. EO/9/DNR/Tara Devi/17 issued by the Estate officer. Again, said Tara Devi challenged the said eviction in CWJC No. 1543 of 2014. During pendency of the said writ



application, she died and was substituted by the present writ petitioners. This Court by order dated 23.11.2018 as contained in Annexure- 20 disposed of the writ application with liberty to the petitioners to approach the Divisional Railway Manager, East Central Railway, Danapur, Patna and till the disposal of the representation, the eviction was stayed.

In the present writ application, the petitioners have challenged the order dated 17.04.2018 Annexure-1 and the subsequent order dated 25.06.2018, Annexure-22 rejecting the claim and asking the petitioners to vacate the premises within one week. Learned Senior counsel for the petitioners submits that the ancestors of the petitioners were displaced persons and had been given allotment of the said shop since last so many years and it is their livelihood which subsequently passed on to their father, then mother and now they are operating the said shop. He submits that the petitioners are entitled for renewal of the license of the shop or at least to be reallocated by the Railway Authorities.

However, learned counsel appearing on behalf of the Railways submits that the mother of the petitioners was allotted the said piece of land between 01.04.2002 till 31.03.2008 for temporary use and occupation with a clear stipulation that a



month's notice was required for vacating the said plot. Now, the Railways require the said land for development of Railway premises and the adjoining area of Danapur Railway Station to cater to the needs of the passengers and commuters, which is highly inadequate. He submits that the petitioners are continuing with the piece of land without any agreement, as the agreement annexed as Annexure 8 dated 06.04.2011 has not been signed by any of the officials of the Railways and already the petitioners are continuing with the said piece of land after expiry of the period i.e. 31.03.2008. He submits that the premises are of the Danapur Railway Station and in public interest the land is required for egress and ingress of the Railway commuters.

The petitioners are not the original allottees. Allotment was made years ago to the ancestor of the petitioners purely on temporary basis. The father and thereafter on his death the mother of petitioners was allowed to function till 31.03.2008. There is no agreement between the parties. The Railways require the said area to cater to the needs of the passengers in public interest.

Considering the facts and circumstances and materials on record, I do not find any merit in the writ application. The writ is dismissed.



It is made clear that if the Railways rehabilitate the other allottees, the case of the petitioners will be considered in right earnest.

**(Nilu Agrawal, J)**

Arjun/Pragya

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