

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1376 of 2018

In

Civil Writ Jurisdiction Case No.17379 of 2018

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Bhanu Pratap Shukla, Son of Sri Madhu Mandal Shukla, Resident of
Sahebpara, Behind Railway Quarter No. 842, P.S. Sahayak, District Katihar.

... .. Appellant/s

Versus

1. The Union of India, through the Secretary Railway Board, Rail Bhavan, New Delhi.
2. Divisional Railway Manager, N.F. Railway, P.S. and District Katihar.
3. DEN/IV/KIR N.F. Railway P.S. and District Katihar.
4. The General Manager, Maligaon, Guwahati
5. Sri Section Engineer/Works/West, N.F. Railway, P.S. and District Katihar.
6. ADEN/11/KIR, N.F. Railway, P.S. and District Katihar
7. Sri Divisional Electrical Engineer, N.F. Railway, P.S. & District Katihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, Advocate
Mr. Akash Keshaw, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-10-2018

1. Feeling aggrieved and dissatisfied with the
impugned order passed by the learned Single Judge dated
29.08.2018 in C.W.J.C. No. 17379 of 2018 by which the
learned Single Judge has dismissed the said petition, the
original writ-petitioner has preferred the present Letters Patent
Appeal under Clause 10 of the Letters Patent.

2. The facts leading to the present Letters Patent



Appeal in nut shell are as under:-

2.1. That the appellant, the original writ-petitioner, was awarded contract for re-wiring of staff quarters for total 128 unit staff quarters vide agreement dated 02.05.2017. The work was to be completed on or before 26th September, 2017, but, the same was extended and during the extended period work was completed on 10th January, 2018. As for execution of the work, Labour Camp was necessary to accommodate labourers and staff used in the execution of the contract, the original writ-petitioner was permitted to use the Railway land in Sahebpara Railway Colony area and for which the conservancy charges were charged from time to time. As the work was completed on 10th January, 2018 and, therefore, thereafter there was no necessity for Labour Camp and, therefore, the original writ-petitioner was asked to vacate the Railway land which was being used as a Labour Camp while the work was in progress. The original writ-petitioner challenged the same by filing C.W.J.C. No. 12846 of 2018, which came to be disposed of on 06.07.2018 with a direction that the petitioner would file his representation which will be disposed of by the Railway authorities. That thereafter, his representation came to be rejected vide order dated 28.08.2018



and the original writ-petitioner was asked to remove the Labour Camp by 31.08.2018. Feeling aggrieved and dissatisfied with the order dated 28.08.2018 by which the original writ-petitioner was asked to remove the Labour Camp, the original writ-petitioner challenged the same by way of C.W.J.C. No. 17379 of 2018.

2.2. Before the learned Single Judge, it was the case on behalf of the writ-petitioner that after completion of the work the petitioner was required to maintain the said work for a period of 12 calendar months and the last date for maintenance was 10.01.2019 and, therefore, the petitioner could not have been ordered to vacate before 10th January, 2019. The aforesaid has not been accepted by the learned Single Judge by observing that for the maintenance the Labour Camp is not required and as the work has been completed, there was no requirement to have the Labour Camp, by the impugned judgment dismissed the writ petition. Hence, the present Letters Patent Appeal.

3. Learned counsel appearing on behalf of the appellant-original writ-petitioner has reiterated what was submitted before the learned Single Judge and has requested to



continue the appellant in occupation and possession of the land in question till 10th January, 2019.

4. Having heard learned counsel appearing on behalf of the respective parties and considering the fact that the work which the original writ-petitioner was permitted to occupy and use the Railway land for the Labour Camp has been completed on 10th January, 2018 and thereafter the order came to be passed directing the original writ-petitioner to vacate the Railway land which was permitted to be used by the petitioner-contractor as a Labour Camp, it cannot be said that the learned Single Judge has committed any error in dismissing the writ petition. As rightly observed by the learned Single Judge, for the maintenance work for which the last date is 10th January, 2019, the original writ-petitioner is not required to have the Labour Camp.

5. Now, so far the submission on behalf of the original writ-petitioner that the original writ-petitioner has invested a huge amount in establishing the Labour Camp and, therefore, he may be given sufficient time and/or he may be granted time up to 10th January, 2019 is concerned, it is required to be noted that the original writ-petitioner is informed



long back and/or was asked to vacate the Railway land long back i.e. two months back, he ought to have managed the affairs and ought to have removed the Labour Camp. As such, he was supposed to know that on completion of the work as per the agreement which was completed on 10th January, 2018 he was required to vacate the Railway Land which was permitted to be used as a Labour Camp.

6. In view of the above and for the reasons stated above, the present Letters Patent Appeal fails and the same deserves to be dismissed and is accordingly dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-R.S.Sen

AFR/NAFR	
CAV DATE	
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