

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2198 of 2018

Amit Kashyap S/o S/o Late Shri Arun Kashyap Aged About 30 Years
R/o Industrial Ward Dhamtari, District Dhamtari, Chhattisgarh., District
: Dhamtari, Chhattisgarh **--- Petitioner**

Versus

1. Union of India R/o through Chief Manager South East Central Railway, Garden Reach, Kolkata District : Kolkata, West Bengal
2. Senior Divisional Engineer (Works), South East Central Railway Compound. W. R. S. Colony Raipur, Chhattisgarh., District : Raipur, Chhattisgarh **--- Respondent**

WPC No. 2199 of 2018

Ajay Kumar Sahu S/o Khoblal Sahu Aged About 45 Years R/o
Industrial Ward, Dhamtari, District Dhamtari, Chhattisgarh.
--- Petitioner

Versus

1. Union of India R/o Through Chief Manager South East Central Railway, Garden Reach, Kolkata (West Bengal), District : Kolkata, West Bengal
2. Senior Divisional Engineer (Works), South East Central Railway Compound. W. R. S. Colony Raipur, District : Raipur, Chhattisgarh **--- Respondents**

For the Petitioners	: Mr. Rajeev Bharat, Advocate.
For the respondents	: Mr. Abhishek Sinha & Mr. Ghan Shyam Patel, Advocates

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

(07.08.2018)

1. The present petitions are against the notice issued by the South East Central Railway to vacate the land which is in occupation of the petitioners.
2. Learned counsel for the petitioners would submit that the challenge in these petitions is to the notice dated 27.07.2018

and the person i.e., respondent no.2 who has issued such notice has no authority to issue such letter as the jurisdiction is not vested with him. Therefore, there was no occasion and power of the authority to issue such notice.

3. On the contrary learned counsel for the respondents opposes the arguments.
4. A perusal of the impugned notice Annexure P-1 would show that initially under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the Estate Officer of SECR, Raipur has passed the eviction order on 22.8.2008. The said order was challenged in appeal before the Additional District Judge, Dhamtari and the appeal was dismissed by order dated 08.12.2016. Subsequently, the said order of the court below was subjected to challenge in Civil Revision which was also dismissed. Therefore, it apparently appears that the subject matter of ejectment has already been passed through the Judicial Scrutiny upto High Court. Now when the final execution part has been made for eviction again the same is subjected to challenge in this petition.
5. In the considered opinion of this court, at this stage, the merits of the execution part cannot be gone into by this Court as the petitioner has already resorted to the Court by filing civil revision which too was dismissed. Therefore, I do not find any merit in the instant petition warranting interference. The petitions have no merit and are dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**