

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2203 of 2018

Mohammad Sikander S/o Sirajuddin Aged About 51 Years R/o
Industrial Ward Dhamtari, District- Dhamtari, Chhattisgarh.
--- **Petitioner**

Versus

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

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 petition is against the notice issued by the South East Central Railway to vacate the land which is in occupation of the petitioner.
2. Learned counsel for he petitioner would submit that the challenge in this petition 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. He submits that initially
4. Learned counsel for the respondent would submit that initially a notice of eviction was issued against the father of the petitioner on 22.6.2008 under the Public Premises

(Eviction of Unauthorised Occupants) Act, 1971, the Estate Officer of SECR, Raipur. The said order/notice was challenged in appeal and the appellate Court dismissed the appeal on 18.03.2010. Thereafter the notice impugned would show that reference of the earlier litigation was made before the High Court and the orders were passed against the father of the petitioner which is not disputed.

5. Considering the fact that all the proceedings relate way back to the year 2008 wherein the eviction order was already passed and the same was affirmed in appeal, at this stage, again reverting back to the issue on the ground that the issuing authority did not have power to issue notice cannot be appreciated. Therefore, I do not find any merit in this petition warranting interference by this Court. The writ petition is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**