

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10510 of 2020

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1. Shanti Devi Wife of Kapil Dev Das resident of Village Rasulpur Zuneda, P.S. Motipur, District Muzaffarpur.
 2. Vijay Sah Son of Late Lakhindra Sah resident of Village Dariya Chhapra, P.S. Motipur, District- Muzaffarpur.
 3. Banti Lal Ray Son of Late Vishnu Rai resident of Village Sundar Sarai, P.S. Motipur, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The East Central Railway through the General Manager, Hajipur.
2. The Principal Chief Engineer, East Central Railway, Hajipur.
3. The Assistant Section Engineer, Bapudham, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
Mr. Vishwaroop Jha, Advocate

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 16-11-2021

Petitioners have prayed for the following relief(s):-

- i) For quashing the letter no S.W/214/Dukan / Bapu Motihari / 868 , 852 and 864 dated 06.02.2020 issued under the signature assistant section engineer Bapudham Motihari to the petitioners respectively by which plot of 10"X10" (100 sq.ft.) vacant Land allotted to the petitioners at Motipur Railway station has been cancelled with immediate effect in view of clause 23 of



the agreement between the petitioners and the respondents.

- ii) For a direction to the respondents to fix fair rent to the land allotted i.e 10"X10"(100 square feet) to the petitioners and accordingly release any further rent after calculation the rent paid by the petitioners .
- iii) For a direction to the respondents not to disturb the petitioner from their peaceful possession of the plots allotted to them during the pendency of the writ application.
- iv) For any other relief /reliefs to which the petitioners may be found entitled to in the facts and circumstances of the case.

After the matter was heard for some time, learned counsel for the petitioners, under instructions, states that petitioners shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.



Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners shall approach the authority concerned i.e. Respondent No. 2, namely, The Principal Chief Engineer, East Central Railway, Hajipur by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioners takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;



(f) Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

(h) We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	18.11.2021
Transmission Date	

