

W.P.A. 1101 of 2021

(Jagmohan Prasad Gupta vs. South Eastern Railway & Ors.)

Mr. Dinabandhu Chowdhury
Mr. Tanmoy Mukherjee
Mr. Iresh Paul
Mr. Subham Ghosh**.... For the Petitioners****Mr. D. K. Singh****.... For the Respondents**

The grievance of the petitioner is directed against an order which has been passed under Public Premises (Eviction of Unauthorised Occupations) Act, 1971. It is submitted on behalf of the petitioner that there has been violation of principles of natural justice. It is further submitted on behalf of the petitioner that no opportunity was given to the petitioner to contest the proceedings. It is also submitted on behalf of the petitioner that no copy of the order of eviction dated 6th December, 2019 was served on him. It is further submitted on behalf of the petitioner that an appeal is pending before the Central Administrative Tribunal and in the interregnum the respondents have taken steps to evict the petitioner.

Counsel on behalf of the Railways submits that the writ petition ought to be dismissed on the ground of the petitioner having an alternative efficacious remedy. He submits that although the petitioner has an

alternative efficacious remedy to prefer an appeal, he has chosen to file this writ petition. He also submits that notwithstanding the order of eviction having been passed as far back as on 6th December, 2019 the petitioner has been unauthorisedly and illegally retaining the property of the respondents.

Counsel on behalf of the petitioner in reply submits that no copy of the order of eviction has been made available to the petitioner and therefore, the petitioner is unable to avail his remedy by filing an appeal.

I have heard the parties. I have considered the petition and the documents relied on by the petitioner. In view of the express statutory bar in the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, I am not inclined to entertain this writ petition. I have serious doubts as to the *bona fides* of the writ petitioner who, notwithstanding the order of eviction having been passed in the year 2019, is still unlawfully and illegally occupying the said premises. There is no equity in favour of the petitioner. I am of the view that the petitioner is simply interested in procrastinating the proceedings and the averments contained in the petition more particularly in paragraphs 12-14 of the petition pertaining to the story of receipt of Whatsapp messages is mischievous and an afterthought. On the contrary, the records of the petition demonstrate that the

petitioner has had full notice and knowledge of the proceedings initiated by the respondent authorities.

The respondents are directed to take all available steps in accordance with law to bring the proceedings to their logical conclusion.

W.P.A. 1101 of 2021 is dismissed.

However, there will be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)