

25 08.02. 2021
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W.P.A. 10101 of 2020

(K.Ramesh vs. The Union of India & Ors.)

Mr. Amaresh Sukul

.... For the Petitioner

Mr. Subhankar Chakraborty

Mr. Saptarshi Bhattacharjee

.... For the Respondent Nos. 2 - 5

The grievance of the petitioner is directed against an order dated 15th October, 2020 passed by the Divisional Engineer (Head Quarter) South, Eastern Railway, Kharagpur. It is submitted on behalf of the petitioner that the Divisional Engineer has no authority in law to pass the order. It is further submitted on behalf of the petitioner that the proceedings, which were initiated give only the Estate Officer the right to pass an order of eviction. It is further submitted on behalf of the petitioner that the impugned order had been passed on the basis of conjecture and surmise.

The respondent Nos. 2, 3, 4 and 5 are represented and submit that the petitioner has no *locus standi* whatsoever to maintain this petition. It is further submitted on behalf of the said respondents that the impugned order came to be passed pursuant to an earlier direction of this Hon'ble Court. It is submitted that the petitioner in this proceeding is in no way related to the original licensee and is occupying the Railway land illegally and unauthorisedly.

I have heard the parties. I have perused the petition. I am of the view that the impugned order is well reasoned. There is no impropriety or illegality in the impugned order which warrants any interference whatsoever. The petitioner has not been able to satisfy this Court as to how the petitioner came into being in possession of the said premises. The petitioner was not the original licensee and has no enforceable legal right to maintain this writ petition. The impugned order records adequate and sufficient reasons. Accordingly, I am of the view that there is no reason to interfere with the impugned order.

In view of the aforesaid, W.P.A. 10101 of 2020 is dismissed.

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.)