

23.08.2021.
Item no. 1.
Court No.13
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CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

W.P.A. No. 1156 of 2021
(Through Video Conference)

Subrata Patra & Ors.
Versus
Union of India & Ors.

Mr. Arik Banerjee,
Mr. Joyjit Dutta.

...For the petitioners.

Mr. Sudipto Mazumdar, Id. A.S.G.
Mr. Binod Kumar Chakraborty.

..For the UOI.

Mr. Ajoy Kumar Singhanian.

...For the respondent nos.4 to 7 & 10.

Mr. Amitava Mitra.

...For the respondent no.8.

The writ petitioners are aggrieved by the fact that the Railways have floated notices inviting tender for letting out shop-rooms for vending at the New Jalpaiguri Railway Station. The writ petitioners have the option of participating the same.

Counsel for the writ petitioners submits by reference to the an order dated 13th June, 2018 passed in W.P. No. 18610 (W) of 2017 that the State Government was ready to construct stalls for the petitioners, in the event, the Railways provide land for such purpose.

The Railways have in no uncertain terms declined to so provide land.

The writ petitioners had earlier moved a writ petition being W.P. No. 9986 (W) of 2016 (Subrata Patra & Ors. – Vs. – Union of India & Ors.). The said writ petition was disposed of by an order dated 5th July, 2016. The petitioners therein, who were also the commissioning vendors at the New Jalpaiguri Railway Station, opposed the eviction being conducted by the Railways under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1958.

It was contended that no notice was given to the petitioners thereat and hence the proceedings and the order of eviction under the said Act were illegal. It has been found by a Co-ordinate Bench of this Court that the contention of the petitioners therein was utterly baseless and the writ petition was dismissed.

The Union thereafter moved a writ petition being W.P. No. 18610 (W) of 2017 against the State of West Bengal seeking assistance in the process of eviction of the vendors at the New Jalpaiguri Railway Station.

It was held by a Co-ordinate Bench of this Court that a High Powered Committee should be constituted for the purpose of looking into the claims of the petitioners and as to whether the State was willing to provide sufficient force and also as to whether the writ petitioners could be accommodated elsewhere to protect their livelihood. The High Powered

Committee since 2017 has not come out with any concrete proposal and/or suggestion. The said writ petition thereafter came up for consideration before another Bench of this Court on 13th June, 2018 and was disposed of directing the State to oversee the eviction proceeding to be conducted by the Railways after following procedure under Section 147 of the Railways Act, 1989.

In that view of the matter, no relief can be granted to the writ petitioners in this writ petition.

The Railways shall be continued to float tenders inviting applications from interested persons, who wish to function as vendors in the New Jalpaiguri Railway Station.

The petitioners shall be entitled to participate in the aforesaid tender process, subject to their voluntarily vacating the said shop-rooms or premises and comply with any directions of the Railways inside the New Jalpaiguri Railway Station.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)