

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9860 of 2022

1. Babloo Saw son of Late Mangal Saw Resident of Piribazar, PO and PS - Piri Bazar Abhaipur, District - Lakhisarai.
2. Ragini Devi W/o Ranjeet Mandal, Resident of Bodhnagar, P.S. - Ramgarh, District - Lakhisarai.
3. Binod Kumar Saw son of Late Rupan Saw Resident of Piribazar, PO and PS - Piribazar abhaipur, District - Lakhisarai.
4. Pradip Kumar son of Late Sarkel Saw Resident of Piribazar, PO and PS - Piribazar Abhaipur, District - Lakhisarai.
5. Krishnandu Sah son of Late Sarkel Saw Resident of Piribazar, PO and PS - Piribazar Abhaipur, District - Lakhisarai.
6. Rajkumar Saw son of Late Bindeshwari Saw Resident of Rampur, PO and PS - Piribazar, District - Lakhisarai.
7. Shambhu Nath Saw son of Late Gujju Saw Resident of Piribazar, PO and PS - Piribazar Abhaipur, District - Lakhisarai.
8. Rajendra Saw son of Late Paddu Saw Resident of Piribazar, PO and PS - Piribazar Abhaipur, District - Lakhisarai.
9. Rajesh Kumar son of Rajendra Saw Resident of Piribazar, PO and PS - Piribazar Abhaipur, District - Lakhisarai.
10. Nandan Kumar son of Late Kedar Saw Resident of Babua Bazar PO and PS - Piribazar District - Lakhisarai.
11. Ramrup Saw son of Late Dilip Saw Resident of Babua Bazar PO and PS - Piribazar District - Lakhisarai.
12. Sitaram Saw son of Late Fogu Saw Resident of Piribazar, PO and PS - Piribazar Abhaipur, District - Lakhisarai.
13. Gita Devi wife of Vinod Saw Resident of Piribazar, PO and PS - Piribazar District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Union of India through the D.R.M. Eastern Railway D.R.M. Office Malda, West Bengal.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Revenue, Government of Bihar, Patna.
5. The General Manager, Eastern Railway, Kolkata G.M. Office E.R. 17 Netaji Subash Chandra Road Eastern Railway, Kolkata.
6. The Estate Officer, Eastern Railway, Malda Town.
7. The District Magistrate, Lakhisarai.
8. The Superintendent of Police, Lakhisarai.
9. The Sub-Divisional Officer, Lakhisarai, Sadar, District - Lakhisarai.
10. The Block Development Officer, Surajgarha, District - Lakhisarai.
11. The Circle Officer, Surajgarha Anchal, District - Lakhisarai.
12. The S.H.O. Piri Bazar Police Station District - Lakhisarai.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Amit Pandey, Advocate
For the State : Mr.Rishi Raj Sinha (Standing Counsel-19)
For the U.O.I. : Mr. Awadhesh Kumar Pandey, Sr. Penal Counsel-
Ms. Komal Choubey, Advocate
Mr. Saket Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-07-2022 The present writ petition has been filed for setting aside the notice of eviction/ demolition dated 04.02.2022,whereby and whereunder the respondent no. 6 i.e. the Estate Officer, Eastern Railway, Malda Town has directed the petitioners to vacate the premises mentioned in the said notice,within a period of 30 days.

The learned counsel for the petitioners has submitted that the land in question was purchased validly and they were having right, title and interest as also possession over the same,however an opportunity of hearing/ filing objection be granted to the petitioners before taking any coercive action.

The learned counsel for the respondent- Railways has submitted that by a notice dated 14.01.2022, the petitioners were called upon to file their objection/ show cause reply, however no show cause replies were submitted by the petitioners, hence the same has led to issuance of the eviction notice dated 04.02.2022, nonetheless, if this Court directs, the respondent no. 6 shall consider the show cause replies to be filed by the



petitioners and appropriate orders shall be passed.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioners to file appropriate show cause replies, within a period of 03 weeks from today, before the respondent no. 6 i.e. the Estate Officer, Eastern Railway, Malda Town and in case, such show cause replies are filed, the Estate Officer, Eastern Railway, Malda Town shall consider the same and pass appropriate orders, in accordance with law. In such view of the matter, the notice dated 04.02.2022 stands annulled, however, the same shall stand automatically revived in case, no show cause replies are filed by the petitioners within a period of 03 weeks from today.

It is needless to state that status quo existing as on today, shall be maintained, in case the petitioners files show cause replies within a period of 03 weeks from today, till the Estate Officer, Eastern Railway, Malda Town takes a final decision in the matter.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

