

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10304 of 2022

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Mahendra Prasad @ Mahendra Gupta son of Late Kishun Sav @ Kishun Gupta, Resident of Village - Kashi Chowk, Police Station - Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The Union of India through the Divisional Railway Manager, Eastern Railway, Malda Division, Malda Town (West Bengal).
2. The Divisional Railway Manager, Eastern Railway, Malda Division, Malda Town (West Bengal).
3. The Estate Officer, Eastern Railway, Malda Division, Malda Town (West Bengal).
4. The District Magistrate, Lakhisarai.
5. The Circle Officer, Piri Bazar, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Respondent/s : Mr. T.N. Thakur, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-08-2022 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. 3 i.e. the Estate Officer, Eastern Railway, Malda Town has directed the petitioner to vacate the premises mentioned in the said notice, within a period of 30 days.

The learned counsel for the petitioner has submitted that the land in question was purchased validly and he is having right, title and interest as also possession over the same, however an opportunity of hearing/ filing objection be granted



to the petitioner before taking any coercive action.

The learned counsel for the respondent- Railways has submitted that to the notice of eviction/demolition dated 04.02.2022, the petitioner has already submitted his reply dated 01.07.2022, nonetheless, if this Court directs, the respondent no. 3 shall consider the show cause reply to be filed by the petitioner afresh 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 petitioner to file appropriate show cause reply, within a period of 03 weeks from today, before the respondent no. 3 i.e. the Estate Officer, Eastern Railway, Malda Town and in case, such a show cause reply is 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 reply is filed by the petitioner 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 petitioner files show cause reply 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)

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