

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10179 of 2022

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1. Bablu Kumar Son of Chhedi Lal Sao, Resident of Mohalla - Piri Bazar, Abhaypur, P.S. Piri Bazar, District - Lakhisarai.
 2. Chhotu Kumar, Son of Dashrath Sao (Legal Heirs of Nanhku Sao, Son of Late Gorelal Sao), Resident of Mohalla - Piri Bazar, Abhaypur, P.S.- Piri Bazar, District - Lakhisarai.
 3. Umesh Kumar, Son of Suresh Sao, Resident of Mohalla - Piri Bazar, Abhaypur, P.S. Piri Bazar, District Lakhisarai.
 4. Ramchandra Prasad, Son of Late Kotai Sah, Resident of Mohalla - Piri Bazar, Abhaypur, P.S. Piri Bazar, District Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Union of India through the D.R.M. Eastern Railway, D.R.M. Office, Malda, 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 Subhash 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.Satya Prakash Parasar, Advocate
For the Respondent/s	:	Mr.Sajid Salim Khan (Sc25)
For U.O.I.	:	Mr. Ratnesh Kumar, C.G.C.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-07-2022

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 are 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 replies, 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 reply 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 file show cause replies within a period of 03 weeks from today, till the Estate Officer, Eastern Railway, Malda Tow takes a final decision in the matter.

(Mohit Kumar Shah, J)

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