

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10510 of 2022

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Sudhir Kumar Gupta Alias Sunil Gupta S/O- Yadu Nadan Prasad, Resident of
Mohalla- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhsarai.

... .. Petitioner/s

Versus

1. The D.R.M. Eastern Railway D.R.M. Office, Malda 249-JW3H, Malda, West Bengal.
2. The General Manager, Eastern Railway, Kolkata G.M. Office, E.R.17 Netaji Subhash Chandra Road, Eastern Railway.
3. The State Officer, Eastern Railway, Malda Town (Engineer-3).
4. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
5. District Magistrate, Lakhisarai.
6. The Superintendent of Police, Lakhisarai.
7. The Sub-Divisional Officer, Lakhisarai Sadar, District- Lakhisarai.
8. The Block Development Officer, Surajgarha, District- Lakhisarai.
9. The Circle Officer, Surajgarha Anchal, District- Lakhisarai.
10. The S.H.O. Piri Bazar Police Station, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Prakritita Sharma, Advocate
For the Respondent/s : Ms. Chhaya Mishra, 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 dated 14.01.2022, whereby and whereunder the respondent no. 3 i.e. the Estate Officer, Eastern Railway, Malda Town has directed the petitioner to file his show cause reply failing which the petitioner shall be evicted from the premises mentioned in the said notice.

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 the petitioner was called upon to file his objection/ show cause reply, however no show cause reply was submitted by the petitioner, hence the same has led to issuance of the eviction notice, nonetheless, it is submitted that in case this Court directs, the respondent no. 3 shall consider the show cause reply to be filed by the petitioner 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 14.01.2022 as also the eviction notice in question 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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