

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10552 of 2022

1. Pachu Sao son of Dukhan Sao, Resident of Village and Post Office and Police Station-Piri Bazar, District-Lakhisarai.
2. Kanhaiya Prasad @ Kanhaiya Sao, Son of Late Sarkal Sao, Resident of Village and Post Office and Police Station-Piri Bazar, District-Lakhisarai.
3. Mohan Sao, Son of Doman Sao, Resident of Village and Post Office and Police Station-Piri Bazar, District-Lakhisarai.
4. Munni Lal Sao @ Munna Sao, son of Late Narsingh Sao, Resident of Village and Post Office and Police Station-Piri Bazar, District-Lakhisarai.
5. Manish Kumar, son of Late Umesh Prasad Sao, Resident of Village and Post Office and Police Station-Piri Bazar, District-Lakhisarai.
6. Mahendra Sao, son of Late Sukar Sao, Resident of Village and Post Office and Police Station-Piri Bazar, District-Lakhisarai.
7. Gopal Sao, son of Gulo Sao, Resident of Village and Post Office and Police Station-Piri Bazar, District-Lakhisarai.
8. Lokesh Sao, son of Mohan Sao, Resident of Village and Post Office and Police Station-Piri Bazar, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance (Development of Revenue), Government of India, New Delhi.
2. The East Central Railway, East Central Zone through the Estate Officer cum Divisional Engineer - 3, East Central Railway, Malda Division, Malda.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
5. The Collector cum District Magistrate, Lakhisarai.
6. The Circle Officer, Suryagarha, District-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar
For the Respondent/s	:	Mr.Additional Solicitor General
For the UOI	:	Mr. Uma Shankar Verma, Sr. (P) Counsel

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-09-2022 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. 2 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 reply, however no show cause reply was 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. 2 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 reply, within a period of 03 weeks from today, before the respondent no. 2 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 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 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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