

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10303 of 2022

-
1. Sonu Kumar Son of Late Yogendra Prasad Resident of Village- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
 2. Arun Saw Son of Late Viran Saw Resident of Village- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
 3. Ganga Sah Son of Late Budhan Sah Resident of Village- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, Eastern Railway, Kolkata.
2. The D.R.M. Eastern Railway, D.R.M. Office, Malda, West Bengal.
3. The General Manager, Eastern Railway, Kolkata.
4. The Estate Officer, Eastern Railway, Malda Town, West Bengal.
5. The District Magistrate, Lakhisarai.
6. The Superintendent of Police, Lakhisarai.
7. The Sub-Divisional Officer, Lakhisarai Sadar, District- Lakhisarai.
8. The Circle Officer, Suryagarha Anchal, District- Lakhisarai.
9. The S.H.O., Piri Bazar, Police Station- Piri Bazar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Advocate
For the Respondent/s	:	Mr.Manoj Kr. Singh, C.G.C.
		Mr. Awadhesh Kr. Pandey, Sr. Panel Counsel

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 04.02.2022/08.02.2022,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 04.02.2022/08.02.2022, 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 notices dated 04.02.2022/08.02.2022 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			
---	--	--	--

