

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10875 of 2022

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Ram Bhagat Prasad @ Ram Bhagat Sah Son of Late Shivnandan Sah @ Shivnandan Prasad, 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

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate
For the Respondent/s : Mr.Additional Solicitor General

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-08-2022 The present writ petition has been filed for setting aside the notice of eviction/ demolition dated 08.02.2022, whereby and whereunder the respondent no. 4 i.e. the Estate Officer, Eastern Railway, Malda Town, West Bengal 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 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 dated 08.02.2022, nonetheless, if this Court directs, the respondent no. 4 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. 4 i.e. the Estate Officer, Eastern Railway, Malda Town, West Bengal 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 08.02.2022 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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