

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10565 of 2022

1. Sharda Devi Wife of Late Bholi Saw, Resident of Village- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
2. Hariom Kumar under the natural guardianship of father Arun Gupta, Resident of Village- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
3. Sanjay Saw Son of Musahru Saw, Resident of Village- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
4. Ravindra Kumar Son of Late brahmdeo Prasad, Resident of Village- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
5. Rajkumar Saw Son of Kailash Saw, Resident of Village- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
6. Chandan Kumar Son of Shravan Saw, 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.Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-08-2022 The present writ petition has been filed for setting aside the notices of eviction/ demolition dated 04.02.2022, whereby and whereunder the respondent no. 4 i.e. the Estate



Officer, Eastern Railway, Malda Town, West Bengal has directed the petitioners to vacate the premises mentioned in the said notices, within a period of 30 days.

The learned counsel for the petitioners 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 by notices dated 14.01.2022, the petitioners were called upon to file their objections/ show cause replies, however no show cause reply was submitted by the petitioners, hence the same has led to issuance of the eviction notices dated 04.02.2022, nonetheless, if this Court directs, the respondent no. 4 shall consider the show cause reply to be filed by the petitioners and appropriate orders shall be passed thereon.

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. 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 notices 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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