

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11770 of 2022

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1. Dheeraj Tamoli Son of Raju Tamoli Resident of Mohalla- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.
 2. Sachidanand Tamoli Son of Late Jagdish Tamoli Resident of Mohalla- Piri Bazar, P.O. and P.S.- Piri Bazar, District- Lakhisarai.

... .. 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

Appearance :

For the Petitioner/s	:	Ms.Prakritita Sharma, Advocate
For the Respondent/s	:	Mr.Additional Solicitor General
For the Railway	:	Mr. Rabindar Kumar Sharma, Advocate
		Mr. Lokesh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-08-2022 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. 3 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 30.12.2021, 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. 3 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. 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 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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