

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12108 of 2022

Vipin Prasad Swarankar Son of Saryug Prasad Swarankar, Resident of village
- Kashichak, Maheshpur, P.O. and P.S. - Piri Bazar, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The D.R.M. Eastern Railway D.R.M. Office Malda, 149 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 Estate Officer, Eastern Railway, Malda Town (Engineer 3).
4. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
5. The 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	:	Mr.Vijay Anand, Adv. Mr. Praveen Kumar, Adv.
For the Railway	:	Mr.Mr. Kumar Priya Ranjan, CGC Mr. Girish Nandan Abhikshek, Adv. Mr. Vinay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-09-2022 The present writ petition has been filed for quashing the notice dated 04.02.2022, whereby and whereunder the respondent no. 3 i.e. the Estate Officer, Eastern Railway, Malda Town has directed the petitioner to vacate the premises in question within a period of 30 days.

It is the contention of the learned counsel for



the petitioner that in the eviction notice, the Thana number has been mentioned as 72 whereas the house of the petitioner is situated in Thana No. 73. Nonetheless, it is submitted that since a very limited time was granted vide notice dated 30.12.2021, issued by the respondent no. 3 to the petitioner, to file his show cause reply, the petitioner be granted some more time to file the requisite show cause reply, although it is the case of the petitioner that the petitioner had purchased the land in question by a valid sale deed (Annexure-2 to the writ petition) and is having right, title and interest as also possession over the same since the year 2001.

The learned counsel for the respondent-Railways has submitted that by a notice dated 30.12.2021, 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 04.02.2022, nonetheless, if this Court directs, the respondent no. 3 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 three 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 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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