

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12144 of 2019

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Ramesh Kumar Son of Late Laxmi Narayan Having Place of Business and Resident of Department Store Building, Station Road, gaya, P.S.-Kotwali, District-Gaya.

... .. Petitioner/s

Versus

1. Senior Divisonal Engineer (2), East Central Railway Mugalsarai, Mugalsarai, U.P.
2. The Divisional Superintendent , East Central Railway, Danapur, District-Patna.
3. The Chief Engineer, Eastern Railway, Kolkata, Currently Under the Jurisdiction of Hajipur, District vaishali (Bihar)
4. Divisional Superintendent, Eastern Railway, Danapur, Currently Known as Divisional Superintendent, east Central Railway, Mugalsarai (U.P.)
5. The General Manager, Eastern Railway, Kolkata Currently Under the Jurisdiction of Hajipur, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Advocate Mr.Ajay Kumar Sinha, Advocate Mr.Gaurav Prakash, Advocate
For the Respondent/s	:	Mr.Punam Kumari Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

13 02-11-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“(I) That the present writ petition is being filed in the nature of Certiorari for quashing the letter dated 27.03.2019 issued under the signature of Senior Divisional Engineer (II), East Central Railway, Mugalsarai to the petitioner by which the petitioner has been asked to vacate the land of 600 sq. ft. which was given for shopping



purposes as the Railway is in need of the same for railway purposes and to vacate the said land within the stipulated period in terms of clause 5 of the agreement; on the ground that the petitioner has been given the license of the said land in the year of 1974 and the petitioner has been continuing since last 45 years and the family of the petitioner is dependent out of the earning of the same;

(II) That the present writ application is being filed in the nature of Mandamus for a direction to the respondent authorities especially the Senior Divisional Engineer (II), Eastern Central Railway, Mugalsarai to enter into an agreement for the year 2019-20 for the land situated at Gaya railway station which has given for shopping purposes of total area 600 sq. ft.

(III) For any other relief/reliefs for which the petitioner is entitled for.”

2. Question for consideration is whether the petitioner could be displaced from the existing arrangement of allotment of shop in the Gaya railway station or not? It is submitted that for the last 45 years, he has been running a business. Respondent – Railway Authorities have given a proposal for development of the existing railway station. In the guise of development of railway station, the petitioner's right is likely to be affected. However, petitioner is disputing with reference to map furnished by the respondents while contending that whatever the map furnished by the Railway Authorities the petitioner's allotted land is not part and parcel of the same.



These are all disputed issue which can't be adjudicated in the writ proceedings.

3. The concerned authority may take note of the proposed development of railway station read with the petitioner's allotted land and if they feel that certain solution could be provided to the petitioner insofar as continuing the system of allotment and running the business of the petitioner.

4. The concerned authority is hereby directed to take note of grievance of the petitioner and so also undertake survey of the particular area. If the allotted land to the petitioner would be part and parcel of the development of Gaya railway station in that event necessary action shall be taken against the petitioner insofar as eviction of the subject land allotted to him. If the land allotted to the petitioner is not required for the purpose of development of Gaya railway station in that event concerned authority is hereby directed to examine whether petitioner's allotment of land and for running a business could be continued or not? In this regard, a detailed representation shall be filed by the petitioner within a period of one month from the date of receipt of this order. Thereafter, the concerned authority is hereby directed to pass a detailed/speaking order after due consideration of relevant materials. The above exercise shall be



completed within a period of three months till passing of a speaking order petitioner shall not be displaced.

5. With the aforesaid observations, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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