

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16159 of 2022

=====

Anil Kumar Son of Kartik Saw, Resident of Near Dharmashala Babua Bazar,
Loshghani, P.S.-Piri Bazar, District-Lakhisarai, Pin code-811112.

... .. Petitioner/s

Versus

1. The Union of India through General Manager Eastern Railway D.R.M. Office, Maldah, West Bengal.
2. The Divisional Railway Manager, Eastern Railway Maldah, West Bengal.
3. The Estate Officer Eastern Railway Maladah (West Bengal).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Ms.Minakshi Kumari, Advocate
For the Union of India	:	Mr. Awadhesh Kumar Pandey, Sr. C.G.C.
		Mr. Ratnesh Kumar, C.G.C.
		Mr. Lokesh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-06-2023 The present writ petition has been filed for quashing the notice dated 04.02.2022 issued by the Estate Officer, Eastern Railway, Malda Division under Section 5(1) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, directing the petitioner to vacate and remove the unauthorized structure made by him on Railway land situated at Khesra No. 1277, Khata No. 258, Thana No. 69, Mouja Loshdhani.

The learned counsel for the petitioner has submitted, by referring to paragraph no. 4 of the present petition, that the land purchased by the



petitioner admeasuring 1 Dhur 5 Dhurki and $\frac{1}{4}$ Dhur respectively is situated at Khesra No. 1278, Khata No. 260, Mauza-Loshdhani, District-Lakhisarai and the same has been purchased by a registered sale deed dated 28.07.2004 and 18.10.2004 respectively, however, the particulars of the land mentioned in the notice dated 04.02.2022 are not same and similar to the description of the land, which is in the possession of the petitioner, as aforesaid, hence the said notice dated 04.02.2022 has got no relevance qua the petitioner herein.

The learned counsel appearing for the Eastern Railway Shri Awadhesh Kumar Pandey, Senior Panel Counsel submits that upon perusal of the materials on record, though it is apparent that the details of the land mentioned in the notice dated 04.02.2022 and that of the land in possession of the petitioner herein, as mentioned in paragraph no. 4 of the present writ petition, are different, nonetheless, the Estate Officer, Eastern Railway, Malda Town shall verify the same and in case he is



of the view that Railway land has been encroached, a fresh notice shall be issued.

Having regard to the facts and circumstances of the case, the aforesaid notice dated 04.02.2022, issued by the Estate Officer, Eastern Railway, Malda Town is declared to be redundant qua the petitioner herein, however, liberty is granted to the Estate Officer, Eastern Railway, Malda Town to proceed afresh, in accordance with law.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

