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jdt.

16.02.2023
jb.

W.P.A. 3478 of 2023
(Alok Chakraborty & Ors. vs. Union of India & Ors.)

Mr. Saptangshu Basu
Mohinur Rahaman
Maria Rahaman
Iqra Rahaman

.... For the Petitioners

Mr. Partha Ghosh
Ms. Debjani Ghosal

.... For the Respondent Nos. 1-5

Heard learned counsels for the parties.

The eviction notice issued by the Railway Authorities on 2nd February, 2023 is assailed in the writ petition.

It is not in dispute that the petitioners have been in possession of the property belonging to the Railway Authorities and running their business therein.

Learned counsel for the petitioners has drawn the attention of the Court to a letter issued by the Railway Authorities on 21st February, 2006 requesting the 2nd petitioner to submit proper documents regarding formation of registered co-operative society for taking necessary action on the proposal of this petitioner for doing business on spareable railway land on co-operative basis. Learned counsel for the petitioners further submits that though such co-operative was formed by the petitioners and communicated to the Railway Authorities, no further step was taken by the Railway Authorities prior to issuance of eviction notice on 2nd February, 2023. The petitioners seek to submit a comprehensive submission in this regard before the concerned authority and pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the Railway Authorities that the 5th respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioners to submit a comprehensive representation before the 5th respondent within two weeks from date. The 5th respondent is directed to consider and dispose of the representation within one month from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

The decision taken by the authority shall be communicated to the petitioners within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the authority shall be at liberty to deal with the representation independently without being influenced by any observation which may have been made in this order.

The eviction notice dated 2nd February, 2023 be stayed till one week after disposal of the representation .

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)