

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12179 of 2018

1. Ayodhaya Prasad S/o Late Satyanarayan Saw
2. Manoj Kumar @ Chotelal S/o Late Satyanarayan Saw
3. Baijnath Prasad S/o Late Satyanarayan Saw
4. Ramchandar Prasad S/o Late Satyanarayan Saw
5. Dhananjay Kumar S/o Vishwanath Prasad All R/o village- Kochar Sone Nagar, Barun, P.S.- Barun, District- Aurangabad Bihar
6. Chandragupt Das S/o Briksh Ram R/o Village- Handai Pipra Kochadh, P.S.- Barun District- Aurangabad.
7. Dinesh Sharma S/o Narayan Singh R/o Village-Simra Kala, Sone Nagar Kochadh, P.S.- Barun District-AurangabadBihar

... .. Petitioner/s

Versus

1. The Union Of India through the Ministry of East Central Railway & New Delhi
2. The General Manager East Central Railway, Hajipur, Vaishali Bihar
3. The Sr. Divisional Engineer² Office of the Estate Officer, D.R.M Office, East Central Railway, Mug
4. The Divisional Engineer² East Central Railway, Mughalsarai
5. The District Magistrate, Aurangabad
6. The Sub Divisional Officer, Aurangabad
7. The District Board, Aurangabad through its Chairman, Aurangabad'
8. The District Engineer District Board, Aurangabad
9. The D.D.C Cum C.E.F. Zila Parisad, Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Adv.
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 31-08-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For quashing the notices, issued by the petitioners, under Section 4(1) of the Public



Premises (Evictions of Unauthorized Occupants) Act, 1971, by the Sr. Divisional Engineer (S), East Central Railway, Mughalsara in Case No. 720, 721, 723, 724, 741, 749 of 2018 to all the petitioners, whereby the petitioners have been directed to vacate the land in question over which the petitioners have absolute right title and possession since last almost 100 years.

(ii). For restraining the respondents no. 2 and 3 from taking any positive action against the petitioners as the land in question never belonged to the railway as the same belonged to the District Board, Aurangabad, which leased out the land and in terms of the lease agreement, Pucca house had been constructed over the land in question.

(iii). For further quashing the letter dated 19.2.2018, passed by the respondent no.4, whereby and whereunder the petitioners have been directed to vacate their Pucca constructed houses, which are situated at plot no. 372 near the Railway Line Barun.

(iv). Further the respondents be directed to pay the amount of compensation of about Rupees twenty six lacs to each petitioners for their said Pucca constructed houses, as per the direction of the District Board, Aurangabad, so that the petitioners may vacate the said houses, situated near the railway line and construct new houses anywhere.”



2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to file their objection to the notice dated 19.2.2018, issued by the Respondent No. 4 i.e. the Divisional Engineer(2), East Central Railway, Mughalsarai. Liberty, so sought, is granted.

3. It is needless to state that in case objections are filed by the petitioners within a period of four weeks from today, the same shall be disposed off by the Respondent No. 4, within a period of four weeks thereafter, by passing a reasoned and a speaking order in accordance with law, in case no final decision has yet been taken.

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

