

25-11-2024
Item No.3
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.6513 of 2024
Radhanath Kuiry & Ors.
-vs-
Union of India & Ors.
with
CAN No.1 of 2024

Mr. Rudranil De
Mr. Subhronil Ghosh
Mr. Soumo Charan ...for the petitioners

Mr. Moyukh Mukherjee ...for the Union of India

1. Affidavit-in-opposition and affidavit-in-reply thereto filed in Court be taken on record.
2. Case of the petitioners is that an agreement of licence for temporary occupation of railway land was entered into by and between the petitioners and the railway authorities. Now, the railways intend to develop the said land under the Prime Minister Gati Shakti and Amrit Bharat Station Scheme at Suisa railway station premises. A notice was given to the petitioners terminating the licence and to vacate the area. The petitioners are aggrieved by the same.
3. Learned advocate for the railway authorities relies upon Section 147 of the Railways Act, 1989 and submits that as the petitioners are not vacating the land, the entire development process is being stalled.
4. To this, the learned advocate for the petitioners submits that no opportunity was given to his

clients, and that they are carrying on their business at the said place for a considerable period of time upon payment of rent/licence fee. According to the petitioners, as the railways will not require the entire land for the purpose of development, a place may be identified where the petitioners may be permitted to carry on their business for their livelihood.

5. Learned advocate for the railway authorities, in support of their case, relies upon the order of this Court dated July 22, 2024 passed in **WPA No.18248 of 2024 (Chandannagar Station Area Hawkers Co-operative Society Limited, represented by Sri Debabrata Dey v. The Union of India & Ors.)** and the order of the Hon'ble Division Bench dated August 21, 2024, arising out of the aforesaid order passed in **MAT No.1603 of 2024 with CAN No.1 of 2024 (Chandannagar Station Area Hawkers Co-operative Society Limited, represented by Sri Debabrata Dey v. The Union of India & Ors.)**.
6. Upon hearing the respective parties and upon perusal of the materials on record, it appears that the licence/agreement of the petitioners had already expired and that the same has not been renewed by the railways as they require the land for development purpose. The development will be meant for the benefit of the public and the petitioners cannot stall the entire project by occupying the railway property. The railways are entitled to reclaim their own land as and when required.
7. The petitioners are concerned with their livelihood. It will be open for them to approach the railway authorities for rehabilitation. In the event, the

railways have a proposal for rehabilitation, then the prayer of the petitioners will be considered sympathetically in view of the fact that they were in occupation of the railway land for a considerable of time upon payment of licence fee.

8. The writ petition stands disposed of. Consequently, the interim application – CAN No.1 of 2024 filed by the petitioners for appropriate order –also stands disposed of.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]