

S/L 2
14.03.2024
Court. No. 41
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**WPA 12987 of 2003
With
CAN 3 of 2016 (Old No. CAN 1892 of 2016)
With
CAN 4 of 2022**

**M/s. B. K. Roy Private Limited & Ors.
Vs.
Union of India & Ors.**

*Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
Mr. Soumik Dey
Ms. Tapati Saha*

...for the petitioners.

Mr. Sailendra Kumar Tiwari

...for the respondents.

Mr. Chattopadhyay, learned Counsel appearing for the petitioners and Mr. Tiwari, learned Counsel appearing for the respondents.

The petitioners have filed the present writ application challenging the notice dated June 9, 2003 issued by the Assistant Engineer under Section 147/175 of the Indian Railway Act, 1989 directing the petitioners to takeaway their belongings from the railway land, station platform within seven days from the date of publication of the notice, failing which punishable action will be taken against the petitioners.

This Court by an order dated June 17, 2003 directed the respondents not to take any steps against the petitioners and subsequently by an order dated June 23, 2003, the respondents are directed to maintain the *status quo* with respect of the possession of the petitioners and no steps should be taken without leave of the Court.

During the pendency of the writ application, the Estate Officer had issued a notice dated May 9, 2022 wherein the petitioners were directed to produce documents within seven days or any order of the court on the basis of which the petitioners are in occupation of the property. In the said notice, the Estate Officer has also mentioned that an amount of Rs. 1,04,35,442/- is outstanding against the petitioners that is calculated up to December, 2021 and directed the petitioners to pay the said outstanding dues to the railway authorities.

This Court considered the submission made by the counsel for the respective parties.

Perused the materials on record.

It is found that a fresh notice was issued by the Estate Officer on May 9, 2022 directing the petitioners to appear before the authority with all the documents. By an order dated February 29, 2024, the learned Counsel for the respondents has prayed for two weeks time to take appropriate instructions whether still the Estate case initiated by the railway authorities is pending or not.

Today when the matter is taken up for hearing, the learned Counsel for the respondents submits that the Estate case initiated by the authorities is still pending before the Estate Officer. Considering the submission made by the counsel for the respondents, this Court finds that no purpose would be served by keeping the writ petition pending as the matter is pending before the Estate Officer for adjudication.

Accordingly, the writ petition being WPA 12987 of 2003 is disposed of by directing the Estate Officer, Eastern Railway, Howrah Division to conclude the Estate case initiated against the petitioners by a notice dated May 9, 2022 by giving an opportunity of hearing to the petitioners or their legal representatives or any other affected persons.

The petitioners have liberty to raise all the objections before the Estate Officer. The Estate Officer shall conclude the estate proceeding within a period of twelve weeks from the date of receipt of this order. Till the Estate case is not disposed of the *status quo* with regard to the possession of the petitioners shall maintain.

It is also made clear that if the decision is against the petitioners, the *status quo* order shall continue for a further period of three weeks from the date of the order of the Estate Officer.

In view of the above, the writ petitioner being WPA 12987 of 2003 along all connected applications being CAN 4 of 2022 is disposed of.

(Krishna Rao, J.)