

26 29.08.2024
AN Ct. No. 01

WPA(P) 315 of 2024

Biplab Kumar Chowdhury
vs.
Union of India & Ors.

Mr. Sukanta Chakraborty
Mr. Zubir Ahmed

... for the petitioner

Mr. Jahar Lal Dey
Ms. Sukla Das Chandra

... for the State

Mr. Partha Ghosh
Mr. Amal Kumar Datta

... for the Railway

1. The writ petitioner had earlier approached this Court and filed a writ petition being WPA 4649 of 2020 which was disposed of by order dated 04.04.2023. The operative portion of the said order is as follows:

“6. By order dated 26th July, 2022, the Division Bench of this Court took note of the affidavit filed by the railways dated 25th February, 2022 wherein it was submitted that a request for police assistance was made to the Officer-in-Charge, Police Station – Nimta and the Officer-in-Charge, GRPP, Barasat but no assistance has been provided to the railway administration to evict the unauthorised occupants. It is not clear as to why Officer-in-Charge of the relevant police stations have not acceded to the request of the railway administration. If there is a likelihood of a law and order situation at the locale on account of eviction proceedings that may be initiated by the railway administration, then it goes without saying that the State police as well as the GRPP is to provide adequate assistance to the railway administration to enable them to retrieve their property.

7. In the light of the above, there will be a direction upon the Officer-in-Charge, Police Station – Nimta and the Officer-in-Charge, GRPP, Barasat to consider the

request of the railway administration and provide adequate police assistance so as to enable the railway 3 administration to carry out eviction proceedings against the unauthorized occupants.

8. The above direction shall be carried on within a period of six weeks from the date of the receipt of a copy of this order.

9. The railway administration shall intimate the date on which they will commence eviction proceedings well in advance in order to give sufficient time to the above police authorities to render necessary police assistance.

10. The writ petition is accordingly disposed of.”

2. The grievance of the petitioners is that no effective steps have been taken by the Railway Administration to commence the eviction proceedings against the encroachers. Learned counsel appearing for the Railway Administration submitted that the State Police have not given adequate protection. This submission is emphatically denied by the learned counsel representing the State who has produced written instructions from the O.C., Nimta Police Station, Barrackpore Police Commissionerate. Therefore, prima facie it appears that the State Police have not provided the required assistance. In any event, the order and direction issued in the earlier writ petition having attained finality, action should be taken in accordance with the said direction.

3. Therefore, we direct the Railway Administration to address the concerned State Police requesting appropriate deployment of Police Force so as to enable them

to commence the removal of encroachment process commencing from 23.09.2024. The eviction proceedings have to be done only by the Railway Administration and the State Police shall deploy the Police Force for protection.

4. In the result, the writ petition stands **disposed of.**

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)