

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

29. 11. 2024

BP/AGM
Sl. 36
Court No. 14

WPA 27143 of 2024

**Paschim Banga Railway Hawker's Union
Vs.
Union of India & Ors.**

Mr. Jit Ray.
Mr. Bikash Shaw.
Mr. Sk. Saad Nafisul Islam.
..for the Petitioner

Mr. Souvik Nandy. Sr. Adv.
Mr. Rishav Thakur.
..for the respondents

1. The petitioner is a hawker's union. The grievance of the petitioner is that the Railway Authority is taking steps to evict them from the railway platform where its members are carrying on business for a considerable period of time.
2. The eviction is being done without affording any opportunity of hearing to its members and without serving any notice upon its members.
3. Prayer has been made to stall the eviction proceeding for the time being.
4. Learned advocate for the Railway Authority relies upon an order dated 29th August, 2024

passed by the Hon'ble PIL Bench in WPA (P) 315 of 2024 (**Biplab Kumar Chowdhury-vs-Union of India & Ors**) wherein the Court directed the Railway administration to commence removal of the encroachment process from 23rd September, 2024.

5. It has been submitted that a few of the occupiers have already been evicted and the next drive for eviction is on 1st December, 2024.
6. It has further been submitted that a threat of contempt has been given to the Railways for not complying the order passed by the Hon'ble Division Bench.
7. Prayer has been made to dismiss the writ petition.
8. Upon hearing the parties and on perusal of the materials on record, it appears that the members of the petitioner do not have any permission/license from the Railway Authority to raise construction and carry on business on the railway platform. In a Public Interest Litigation, the Hon'ble Court directed the Railways to evict the unauthorised encroachers. The Railways are acting in

compliance of the direction passed by the Court.

9. In view of the above, the action of the Railways cannot be faulted.
10. The relief prayed for by the petitioner cannot be allowed.
11. The writ petition fails and is hereby dismissed.
12. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

