

03.12.2024
Item No.15
RP/AN
Ct. No.01

MAT 2155 of 2024
+
IA No.CAN 1 of 2024

Radhanath Kuiry & Ors.
With
Union of India & Ors.

Mr. Rudranil De
Mr. Subhronil Ghosh
Mr. Soumo Charan

....for Appellants

Mr. Rajdeep Majumder, Sr. Adv. & DSGI
Mr. Moyukh Mukherjee

....for Respondent Nos.1 to 7

1. Affidavit-of-service filed in Court today be kept on record.
2. We have heard the learned advocates for the parties.
3. This intra-Court appeal by the writ petitioners is directed against the order dated 25th November, 2024 passed in WPA 6513 of 2024 by which the appellants have challenged the eviction proceedings initiated by the Railway Administration. Admittedly, the licensees do not have vested right over the railway property though they were granted license to occupy a small portion of land in the year 2011. The terms and conditions of license clearly stipulate the method of termination. The settled legal position is that a license is not automatically renewed and there is a

clear distinction between a lease and license. The writ petitioners were granted license for temporary occupation on the railway land. Now the land is required for public purpose. The learned Single Bench found no merit being raised by the appellants/writ petitioners. We fully subscribe the view taken by the learned Single Bench. The learned Single Bench has also taken note of the fact that there is also a proposal for rehabilitation of the writ petitioners by the railway administration. Therefore, we find no ground to interfere with the impugned order. Accordingly, the appeal and the connected application are dismissed. We direct the Railway Authority to consider the case of the appellants/writ petitioners/licensees for rehabilitation and such consideration should be in accordance with law.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)