

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No. 976 of 2024**

- 1.Santosh Kumar Gupta, aged about 50 years, son of late B.N. Sahu, resident of Girija Sadan, near Rani Sati Mandir, at Chakradharpur, P.O. and P.S. Chakradharpur, District-West Singhbhum
2. Raja Sonkar, aged about 28 years, son of Late Rajendra Sonkar, resident of Chiranji Lal Block, Ward No.16, P.O & P.S:- Chakradharpur, Dist: West Singhbhum
- 3-Satish Yadav, aged about 32 years, son of Banshraj Yadav, resident of Railway Dubling Quarter, P.O &P.S; Chakradharpur, Dist: West Singhbhum
4. Manoj Kumar Choudhary, aged about 51 years, son of Late Ram Nath Choudhary, resident of Millat Colony, P.O & P.S: Chakradharpur, Dist: West Singhbhum.
5. Dilip Gupta @ Dilip Kumar Gupta, aged about 67 years son of late Hari Lal Gupta, resident of Bazaar, P.O & P.S. Chakradharpur, Dist: West Singhbhum
- 6-Manoj Gupta @ Manoj Kumar Gupta @ Monoj Kumar, aged about 60 years son of late Hari Lal Gupta, resident of Bazaar, P.O & P.S. Chakradharpur, Dist: West Singhbhum
7. Rabindra Nath Roy, aged about 59 years, son of It. Ram Sagar Roy resident of Nagendra Nagar, P.O & P.S Chakradharpur, Dist: West Singhbhum.

.....petitioners

**Versus**

1. The Union of India through South Eastern Railway, having its divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singhbhum through Divisional Railway Manager, SER, Chakradharpur, Dist: West Singhbhum
2. The Divisional Railway Manager (herein after to be called as DRM) South Eastern Railway, having its divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singhbhum
3. Sr. DEN (Central) South Eastern Railway, having its Divisional office at Chakradharpur, P.O & P.S -Chakradharpur, Dist: West Singhbhum
4. Sr. DEN (Coord), SER, having its Divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singhbhum
5. ADEN, (Assistant Divisonal Engineer) South Eastern Railway, having its Divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singhbhum
6. Sr. Section Engineer Works (West) South Eastern Railway, having its divisional office at Chakradharpur, P.O. and P.S. Chakradharpur, District-West Singhbhum

..... Respondents

With

**W.P.(C) No. 968 of 2024**

1. K.Govind Rao, aged 64 years, son of late K. Venkat Rao, resident of Asiana Garden, Akashia, Flat No. A-211, Sonari, P.O & P.S: Jamshedpur, Dist: East Singbhum.
2. Bimal Kumar Gupta, aged 64 years, son of late Raghunath Lal, resident of Pokari Gali, Ward No.10, P.O & P.S: Chakradharpur, Dist: West Singbhum
3. Vinit Kumar Gupta, aged 37 years, son of late Vinod Kumar Gupta, resident of Pokari Gali, Ward No.10, P.O & P.S: Chakradharpur, Dist: West Singbhum
4. Ramesh Prasad, aged about 50 years, son of late Ram Charita resident of village Chakradharpur, P.O & P.S; Chakradharpur, Dist West Singbhum.
- 5 Keshav Prasad, aged 65 years, son of late Ram Charita resident of village Chakradharpur, P.O & P.S; Chakradharpur, Dist West Singbhum.
6. Rabindra Nath Roy, aged about 59 years, son of Late R.S. Roy, resident of village: Nagendra Nagar, P.O & P.S: Chakradharpur, Dist: West Singbhum
7. Dheeraj Kumar Gupta, aged 52 years, son of late Badri Prasad, resident of Pokari Gali, Ward No.10, P.O & P.S: Chakradharpur, Dist: West Singbhum
8. Pankaj @ Awanish Pratap Singh, aged about 33 years, son of late Kunwar Bahadur Singh, resident of Guard Block, Railway Colony, P.O & P.S: Chakradharpur, Dist: West Singbhum.

.....petitioners

**Versus**

1. The Union of India through South Eastern Railway, having its divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singbhum through Divisional Railway Manager, SER, Chakradharpur, Dist: West Singbhum
2. The Divisional Railway Manager (herein after to be called as DRM) South Eastern Railway, having its divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singbhum
3. Sr. DEN (Central) South Eastern Railway, having its Divisional office at Chakradharpur, Chakradharpur, P.O & P.S -Chakradharpur, Dist: West Singbhum
4. Sr. DEN (Coord), SER, having its Divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singbhum
5. ADEN, (Assistant Divisonal Engineer) South Eastern Railway, having its Divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singbhum
6. Sr. Section Engineer Works (West) South Eastern Railway, having its divisional office at Chakradharpur, P.O. and P.S. Chakradharpur, District- West Singbhum

..... Respondents

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Petitioners : Mr. Mahesh Tewari, Advocate  
For the UOI : Mr. Anil Kumar, A.S.G.I.  
Mr. Ravi Prakash, C.G.C. (in WP(C) 976/2024  
Mrs. Leena Mukherjee, C.G.C (in (W.P.(C) 968/2024  
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**08/Dated: 05/08/2024**

Heard Mr. Mahesh Tewari, learned counsel for the petitioners and Mr. Anil Kumar, learned A.S.G.I. appearing on behalf of Union of India.

2. Both the writ petitions have been filed for quashing the notice dated 27.12.2023 issued by the respondent no. 3 whereby the petitioners were directed to vacate the railways plots within thirty days and notice dated 09.02.2024 whereby the petitioners were directed to remove the shop within three days. Further prayer has been made for direction upon the respondents to immediately and forthwith allot/grant lands to the petitioners for their rehabilitation and run their original business. Further prayer has been made to restrain the respondents from evicting the petitioners from their respective shops.

3. The factual background of the case, as stated in the writ petition, is that the petitioners/their predecessors were allotted plots for commercial purposes by the railway authorities situated near Station Circulation Area, Chakradharpur, District-West Singhbhum. The petitioners constructed shops upon the said land and have been carrying on their business. They are also paying the ground rent regularly on annual basis as fixed by the railway authorities and to that effect, rent receipts are being also issued to them. In the meantime, the Sr. Divisional Engineer (Central), South Eastern Railway, Chakradharpur and Sr. Section Engineer (works) South Eastern Railway, Chakradharpur issued notices dated 27.12.2023 and 09.02.2024 receptively to

the petitioners for vacation of their shops so as to commence development/construction work of Chakradharpur Railway Station under AMRIT BHARAT, directing them to vacate the Railways allotted shops within 30 days and three days respectively. The petitioners submitted their reply to the said notices stating that they have constructed shops on the allotted plots by their own fund and are paying rent thereof and, thus, the vacation of the said shops without replacement/ rehabilitation and adequate compensation would cause irreparable losses and injury to the petitioners. However, the respondents are still sitting tight over the matter which gives rise to filing of the present writ petition.

4. The learned counsel for the petitioners submits that the sketch map of the proposed plan for development/construction of Chakradharpur Railway Station under "Amrit Bharat", has neither been made available to the petitioners nor the respondents have disclosed about their future plan of action for the reasons best known to them. It is further submitted that the petitioners have duly complied all the terms and conditions of the lease agreement as well as the demand for enhancement of rent. It is also submitted that during the pendency of the writ petition, notices dated 27.12.2023 and 09.02.2024 have been issued from the office of Sr. Divisional Engineer (Central), South Eastern Railway, Chakradharpur and Sr. Section Engineer (works) South Eastern Railway, Chakradharpur to all the petitioners individually wherein 30 days' and three days time respectively has been given for vacation of the shops/plots.

5. Per contra, the learned counsel for the respondents submits that the petitioners have no right to stay over the said plots/shops as the railway requires the same for development/construction of Chakradharpur Railway Station under "Amrit Bharat" for the benefit of the public at large. It is further submitted that the petitioners have been given sufficient time to remove the

structures so that the work could be commenced.

6. In view of above submissions of the learned counsel for the parties the court has gone through the materials available on record. The petitioners are claiming right over the said plots/shops at the strength of the allotment made to them for running their shops. Para-15 of land license agreement quoted in the impugned notices is reproduced herein below:-

*"The Railway Administration shall at any time and from time to time be at liberty in the absolute discretion to suspend temporarily and/or terminate this agreement and all of the privileges hereby granted upon the expiration of 01(one) Month's Notice in writing of his intention, so to do being left at or sent by registered post to the registered Office/address of the licensee and notwithstanding that the licensee have executed any work of a permanent or temporary character an incurred expenses in the execution hereof the licensee shall not be entitled to any damage or compensation by reason of such termination or suspension."*

7. The petitioners have not disputed the aforesaid para-15 of the land licence agreement. Thus, it may be construed that at the time of execution of the agreement itself, it was informed to the petitioners that the said agreement may be terminated after giving one month's notices to them and in lieu thereof they would not be entitled for any compensation or damage. Since the petitioners had willingly entered into the said land license agreement after going through the terms and conditions of the said agreement, they cannot be allowed to turn around by saying that they are entitled to compensation or rehabilitation in lieu of their eviction. Admittedly, the land/shops in question is the property of the railway which is going to construct/develop Chakradhapur Railway Station under Āmrit Bharat and for that reason the notices of removal have been issued to the petitioners. It is not the case of the petitioners that the respondents are going to allot the said shops to someone else by evicting them.

8. In the light of the aforesaid discussions, I am of the view that the

impugned notices do not suffer from any unreasonableness or arbitrariness, thus no interference is required with the same under extra ordinary writ jurisdiction which is discretionary in nature. However, the petitioners are at liberty to move before the railway authorities for consideration of their cases for allotment of alternative plots which shall be dealt with by the respondent authorities keeping in view all the relevant rules/circulars/policies of the railway. Any action will be taken by the railway authorities only after taking decision on the request of the petitioners.

9. Both these writ petitions are, accordingly, dismissed with aforesaid observations. Pending I.A, if any, stands disposed of.

**( Sanjay Kumar Dwivedi, J.)**

Satyarthi/