

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 1496 of 2024
with
I.A. No. 3270 of 2024

1.Amar Nath Bakshi
2.Prantar Bakshi,
3.Amitava Bakshi,
4.Ashoke Bakshi ... Petitioners

Versus

1.Union of India, Ministry of Railways, through the Secretary, New Delhi.
2.The General Manager, Eastern Railway, District-Kolkata, West Bengal.
3.The Divisional Railway Manager, Eastern Railway, Asansol, District-East Burdwan, West Bengal.
4.The Estate Officer, Eastern Railway, District-East Burdwan, West Bengal.
5.Senior Section Engineer (works), Eastern Railway, Madhupur, District-Deoghar. ... Respondents

CORAM: SRI ANANDA SEN, J.

For the Petitioners : Mr. Srijit Choudhary, Advocate.
: Mr. Aayush Ojha, Advocate.
: Mr. Tanya Rai, Advocate.
For the UOI : Mr. Anil Kumar, A.S.G.I.
: Mr. Ravi Prakash, C.G.C.

Oral Order
04/Dated: 03.07.2024

Heard the learned counsel for the parties.

2. Learned counsel for the petitioners submits that the impugned notices dated 02.12.2020, 20.02.2021, 24.01.2022, 30.03.2022 and 06.07.2022 vide Annexure-1 series is absolutely vague and no satisfaction has been recorded. He further submits that similar notice, in respect of other occupant, namely, one Mahendra Prasad Singh has been quashed by this Court in W.P. (C) No. 3680 of 2022 and this case is covered by the aforesaid order.
3. Learned counsel appearing on behalf of the Respondent-Union of India submits that even if the notice is vague, that will not give a right to the petitioners to occupy the property in question. He submits that the opportunity be given to the Railway Administration of Eastern Railway to issue a fresh detailed notice to the petitioners.
4. Considering the submission of the parties I have gone through the petition, the order passed by this Court in W.P. (C) No. 3680 of

2022 and also the impugned notice at Annexure-1. No reasons have been assigned in the said notice nor even the details of the land have been mentioned. Thus, considering the notice, which is vague, I am inclined to set aside the same with the direction to the Estate Officer to issue a fresh notice to the petitioners therein and proceed accordingly without being prejudiced by this order. Once notice is issued on fresh initiation of proceeding, the petitioners should appear before the Estate Officer immediately and the Estate Officer will proceed with the proceeding. It is made clear that if after receipt of the notice, the petitioners do not appear, the Estate Officer will proceed ex parte in this case.

5. Accordingly, this writ application is allowed. The impugned notices dated 02.12.2020, 20.02.2021, 24.01.2022, 30.03.2022 and 06.07.2022 vide Annexure-1 series is set aside.

6. I.A. No. 3270 of 2024 stands disposed of in the light of the disposal of this writ application.

(Ananda Sen, J.)