

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18425 of 2025

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1. Umesh Rai Son of Mahendra Rai, resident of Village-Dighi Kala West, P.S.-Sadar, District-Vaishali.
 2. Sona Devi, Wife of Umesh Rai, resident of Village-Dighi Kala West, P.S.-Sadar, District-Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through General Manager, East Central Railway, Hajipur, Vaishali.
2. The Chief Engineer (Construction), East Central Railway, Hajipur, Vaishali.
3. The Divisional Engineer (Construction), East Central Railway, Sonrpur-Division, Hajipur, Vaishali.
4. The Senior Section Engineer, East Central Railway, Hajipur, Vaishali.
5. The State of Bihar through Collector, Vaishali at Hajipur.
6. The Circle Officer, Sadar, Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the State	:	Mr. Mujtabaul Haque, GP- 12
For the U.O.I.	:	Dr. K. N. Singh, Sr. Advocate (ASGI)
		Mr. Manoj Kumar Singh, (C.G.C.), Adv.
		Mr. Ankit Kumar Singh, (J.C.), Adv.
		Mr. Prabhat Kumar, (J.C.), Adv.
		Mr. Sanjay Kumar Singh, (J.C.), Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-11-2025 The instant writ petition has been filed by the petitioners under Article 226 of the Constitution of India seeking the following relief(s):-

“(i) For directing and commanding the respondent to quash the notice dated 23.9.2025 (Ann-P/3) passed by respondent no.- 4, the Senior Section Engineer, Hajipur, Vaishali whereunder and whereby he has given a direction to the petitioners to remove the encroachment (pucca house) within ten days after receiving of notice



otherwise encroachment would be removed by the railway administration.

(ii) Also to restrain the respondents, and their subordinates from interfering with the petitioners' peaceful possession over the said residential house.

(iii) For directing and commanding the respondent to demarcate the land in question in presence of the petitioner by the government Amin of the office of respondent no.-6.

(iv) Also for directing and commanding the respondent not to dispossess the petitioner's families who are residing peacefully on the land in question after constructing the house since 2007.

(v) And also for any other relief/relieves for which the petitioner is found to be legally entitled under the facts and circumstances of the case."

2. Mr. Rajeev Ranjan, learned counsel appearing for the petitioners, Mr. Mujtabaul Haque, learned GP-12 for the State-respondents and Mr. Manoj Kumar Singh, learned C.G.C. for the Union of India are present and they are heard.

3. Mr. Rajeev Ranjan, learned counsel appearing for the petitioners, submits that petitioner no. 1 purchased the land in question pertaining to Khata No. 1052, Khesra No. 1282, the area of which is two decimals, and having the following boundaries: North – 8-foot road, South – Raghunandan Prasad Singh's land, East – Railway Pit, and West – Chalitra Sah's land, and the said land is situated in Thana No. 105. It is further



submitted that the petitioners purchased the said land through a registered sale deed on 24.04.2006 and thereafter, Jamabandi was also created in their name, and since the date of purchase, the petitioners have been in peaceful possession and have been paying rent to the revenue authorities and the relevant documents, such as a copy of the sale deed and copies of rent receipts, have been filed with this petition. It is further submitted that suddenly, on 23.09.2025, the Senior Section Engineer, East Central Railway, Hajipur, (Respondent No. 4) issued a notice directly to petitioner no. 1 directing him to remove his *pucca* house (Annexure-P/3), which is alleged to be an encroachment over the Railway's land, within ten days of receipt of the notice, but before issuing the notice, the petitioners were not given even a single opportunity to place their stand with respect to the land in question, and the said act of the Senior Section Engineer, East Central Railway, Hajipur (Respondent No. 4), is completely against the law.

4. Learned counsel appearing for the Union of India (Railways), i.e., Respondent Nos. 1 to 4, submits that the petitioners may be directed to file a fresh representation before the notice-issuing authority, i.e., the Senior Section Engineer, East Central Railway, Hajipur (Respondent No. 4), and after



hearing them, the said authority may take proper legal action in respect of the alleged encroachment.

5. Considering the aforesaid submissions, the petitioners are directed to file a representation before the Senior Section Engineer, East Central Railway, Hajipur (Respondent No. 4), along with all relevant papers concerning to their claim and title in respect of the land in question, upon which, as per the Railway Authority, an encroachment has been made by the petitioners, within four weeks from the date of this order.

6. After filing the aforesaid representation/application, Respondent no. 4 shall examine the issue of encroachment as per the provisions of law, and while examining the matter, the petitioners must be given sufficient opportunity of hearing, and only thereafter the issue of encroachment must be decided.

7. The Senior Section Engineer, East Central Railway, Hajipur (Respondent No. 4) is directed not to take any step to demolish the alleged encroached part of the building concerned to the petitioners for the next six weeks from the date of this order or during the pendency of the petitioners' representation.

8. It is clarified that if the petitioners' claim over the land in question is not found in accordance with law, then the Railway Authority/the Senior Section Engineer, East Central



Railway, Hajipur (Respondent No. 4), will have the liberty to take legal action in respect of the alleged encroachment as per the provisions of law.

9. In the result, with the aforesaid directions, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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