

S/L 5
08.08.2025
Court. No. 19
Suwayan

WPA 18067 of 2025

**Alok Chakraborty & Ors.
Vs.
Union of India & Ors.**

*Mr. Mohinoor Rahaman
Ms. Iqra Rahaman*

...for the petitioners.

*Mr. Debajyoti Deb
Mr. Debashish Basak*

...for U.O.I.

1. Both the writ petitioners and the respondents/Union of India and its instrumentalities are represented by their respective Counsels.
2. The subject matter of challenge of the instant writ petition is an eviction cum show-cause notice dated 01.08.2025 as issued by the Eastern Railway authority, Howrah Division a copy of which have been annexed at page no. 78 of the instant writ petition.
3. By an order dated 17.10.2023, a copy of which is annexed at page no. 77 of the instant writ petition the Assistant Engineer/Dankuni, Eastern Railway, Howrah (hereinafter referred to as the 'said Engineer') while disposing the writ petitioners' application dated 27.02.2023 came to a finding that Chandanpur Bazar Railway Premises Shopper Co-operative Society Limited has not taken permission from the railway authority for carrying on business on railway premises at Chandanpur Railway Station area.
4. By the said eviction cum show-cause notice date 01.08.2025 the Eastern Railway, Howrah Division

indicated that all unauthorized structures as standing on Railway Land Location Chandanpur (CDAE) Station area would have to be removed within 17.08.2025 failing which it has been further indicated that eviction programme would be conducted on 18.08.2025 at 10.00 hrs.

5. At the time of hearing, Mr. Rahaman, learned Advocate appearing on behalf of the writ petitioners submits before this Court that the present 38 writ petitioners are the members of the aforementioned co-operative society. It is further submitted by Mr. Rahaman that from page no. 44 of the instant writ petition being a copy of letter dated 21.02.2006 it would reveal a letter was issued by the respondent no. 4/authority whereby and whereunder the writ petitioner no. 2 was requested to submit proper documents regarding formation of registration of co-operative society to him. Drawing attention to page no. 47 and page no. 45 of the instant writ petition it is further submitted by Mr. Rahaman that under cover of the said two letters the respondent no. 14/authority requested the respondent no. 13/authority to grant 'no objection' certificate for the purpose of registration of the co-operative society as formed by the present writ petitioners.
6. It is submitted by Mr. Rahaman that sufficient materials have been placed before this Court that soon thereafter the said co-operative society was formed and the writ petitioners being the members of the said co-operative society are running their respective business

over the land of the railway authority in the vicinity of the Chandanpur Station area.

7. It is further submitted by Mr. Rahaman that while passing the reasoned order dated 17.10.2023 the said Engineer has failed to visualize that no registration of co-operative society can be done by the respondent no. 14/authority without obtaining any 'no objection' certificate from the respondent no. 13/authority and, therefore, the said Engineer while passing the said reasoned order dated 17.10.2023 has completely misdirected himself in coming to a conclusion that the present writ petitioners are carrying on business in the railway property of Chandanpur Railway station without any lawful authority.
8. It is further submitted by Mr. Rahaman that from paragraph no. 16 of the instant writ petition it would reveal that the said reasoned order dated 17.10.2023 is the subject matter of challenge in WPA 28289 of 2023 before a co-ordinate Bench of this Court. It is thus submitted by Mr. Rahaman that in view of the pendency of WPA 28289 of 2023 the Eastern Railway/Howrah Division is not supposed to issue eviction cum show-cause notice dated 01.08.2025.
9. On being asked by this Court Mr. Rahaman, learned Advocate for the writ petitioners, however, candidly submits before this Court that in WPA 28289 of 2023 no stay order is passed over the order under challenge dated 17.10.2023 as passed by the said Engineer.

10. It is thus submitted by Mr. Rahaman that considering the chronology of events as placed before this Court an interim protection is very much required staying the operation of the eviction cum show-cause notice dated 01.08.2025 as otherwise the very purpose of filing the instant writ petition would become frustrated and further the present writ petitioners who are carrying on business over the railway land location at Chandanpur Station area will be ousted from their respective business places.
11. Such prayer is, however, opposed on behalf of the Union of India.
12. It is submitted that no *prima facie* case has been made out for obtaining the relief as prayed for.
13. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court is of considered view that since the order dated 17.10.2023 is subject matter of challenge in another writ petition being WPA 28289 of 2023 this Court must be very cautious in making any observation on such order dated 17.10.2023 as otherwise there is every possibility that such observation may affect the rights of the contending parties in WPA 28289 of 2023.
14. However, on careful perusal of the eviction cum show-cause notice dated 01.08.2025 as issued by the Eastern Railway, Howrah Division, it appears to this Court that such notice dated 01.08.2025 has been issued by the said railway authority in exercise of their

administrative power especially when there was no stay order over the order dated 17.10.2023 as passed by the said Engineer.

15. On careful perusal of the said eviction cum show-cause notice dated 01.08.2025 it nowhere appears that while issuing the said notice Eastern Railway, Howrah Division had either exceeded their jurisdiction and had acted in an unlawful and/or perverse manner.
16. In view of such, this Court finds no justification to interfere with the said eviction cum show-cause notice dated 01.08.2025.
17. Consequently, WPA 18067 of 2025 is hereby dismissed.
18. Before parting with, this Court directs the respondent no. 3/authority to proceed with the eviction programme as scheduled to be held on 18.08.2025 at 10.00 hrs. and in case of any necessity the respondent no. 13/authority will seek necessary assistance from the respondent no. 12 and 8/authorities and on such requisition the respondent nos. 12 and 8 are hereby directed to deploy sufficient numbers of police personnel for carrying out the eviction programme as would be conducted by the respondent no. 13.
19. It is made clear that in the event the respondent nos. 12 and 8 do not deploy sufficient numbers of police personnel for the assistance of the respondent no. 13/authority in carrying out the proposed eviction programme, liberty is given to the respondent no. 13/authority to approach this Court in contempt.

20. Department is directed to forward copies of the order to the respondent nos. 8 and 12 forthwith.
21. However, there shall be no order as to costs.
22. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

Later:

23. After passing the aforementioned order, Mr. Rahaman, learned Advocate appearing on behalf of the writ petitioners prays for stay of the operation of the instant order for 15 working days.
24. Such prayer is considered and refused.

(Partha Sarathi Sen, J.)