

S/L 65
18.08.2025
Court. No. 3
Suwayan

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

CO 7 of 2025

**Kamal Basfore
Vs.
The North Frontier Railway & Ors.**

*Mr. Biplab Kumar Sengupta
Mr. Uday Sankar Sarkar
Mr. Chayan Moni Bhowal
Mr. Avimannu Das*

...for the petitioner.

*Mr. Sudipto Kumar Mazumder, DSGI
Mr. Sourab Kar*

...for the Railway.

1. The subject matter of instant revisional application is the judgment and order dated 09.12.2024 as passed by the learned Additional District Judge, 2nd Court, Darjeeling in Misc. Appeal no. 55 of 2024 whereby and whereunder the said appellate court while dismissing the said Misc. Appeal no. 55 of 2024 affirmed the judgment and order dated 01.05.2024 as passed by the Estate Officer who is the opposite party no. 4 herein.
2. On perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it reveals that pursuant to a judgment and order dated 03.01.2024 as passed by a co-ordinate Bench of this Court in WPA 3275 of 2022 the Estate Officer served notice upon the petitioner/appellant herein intimating him the date of hearing on 05.03.2024.
3. It further appears to this Court that the petitioner who is the appellant before the appellate court participated

in such proceeding wherein the Estate Officer passed the aforementioned order of eviction.

4. At the time of hearing, Mr. Sarkar, learned Advocate appearing on behalf of the petitioner/appellant submits before this Court that while passing the impugned judgment dated 09.12.2024 the First Appellate Court has failed to visualize the prolonged occupation of the petitioner/appellant over the suit property on the basis of implied license issued by the railway authority and for non-consideration of such material fact a serious miscarriage of justice occurred while passing the impugned judgment and the same is required to be interfered with by exercising superintending jurisdiction of this High Court under Article 227 of the Constitution of India.
5. Such contention is, however, opposed by Mr. Majumder, learned DSGI for the Railway authority.
6. It is submitted by Mr. Majumder that from the materials as placed before this Court it would reveal that the petitioner/appellate before the estate officer as well as before the First Appellate Court has failed to justify his occupation over the railway property.
7. It is further submitted by Mr. Majumder that from the impugned judgment it would reveal that for the first time before the appellate court a plea regarding adverse possession was taken by the petitioner/appellant herein.
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned

Advocates for the contending parties it reveals that the learned First Appellate Court while passing the impugned judgment has come to a specific finding on the basis of the materials placed before him that principle of natural justice has not been violated at the instance of the estate officer since the petitioner/appellate was served with the notice and in the proceeding before the estate officer the petitioner/appellant duly participated.

9. It further appears to this Court that the First Appellate Court rightly noticed that before the estate officer the petitioner/appellate has miserably failed to justify his possession over the railway property which is a public premises within the meaning of Public Premises (Eviction of Unauthorized Occupants) Act, 1971.
10. In absence of any glaring irregularity and/or illegality, this Court thus finds hardly any scope to interfere with the judgment impugned.
11. With the aforementioned observation, CO 7 of 2025 is dismissed.
12. Consequently, the impugned judgment and order dated 09.12.2024 as passed by the learned Additional District Judge, 2nd Court, Darjeeling in Misc. Appeal no. 55 of 2024 is hereby affirmed.
13. There shall be, however, no order as to costs.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)

