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ORDER SHEET
WPO No.201 of 2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

KARNANI PROPERTIES LTD. & ANR.
VS
THE UNION OF INDIA & ORS.

BEFORE
THE HON'BLE JUSTICE AMRITA SINHA
Date : 7th May, 2025.

Appearance:
Mr. Kishore Datta, Sr. Adv.
Mr. Tanmoy Mukherjee, Adv.
Mr. Neelesh Choudhury, Adv.
Ms. Anuradha Poddar, Adv.
For the Petitioners.

Mr. Sauvik Nandi, Sr. Adv.
Mr. Loknath Chatterjee, Adv.
For the Railway Authorities.

1. Learned advocate representing the Union of India refers to a communication dated 21st April, 2025 by the Senior Divisional Engineer (HQ), Eastern Railway/Howrah mentioning that the railway intends to retain the premises. Let the same be retained with the records.
2. The stand of the railway authority is contrary to the undertaking made by the authority before the Hon'ble Division Bench of this Court in FMA 17 of 2023 with IA No. CAN 1 of 2017.
3. In view of admitted facts, the respondent authority cannot be permitted to retract from the undertaking. The same will amount to violation of the order passed by the Court resulting in contempt.
4. Learned Senior Counsel representing the writ petitioners submits that the place is kept unused for decades together. The said contention is reflected in the communication of the Senior Divisional Manager (Co-ordn.)/Eastern Railway/Howrah dated 3rd May 2024 clearly

mentioning that the premises is lying vacant since long and the competent railway authority has agreed to return back the premises to the present owner.

5. Learned advocate for the railways submits that the authority intends to utilise the place for public purpose.
6. It appears that as on date, there is nothing on record to suggest that the said place will be used for public purpose by the railways.
7. The learned advocate for the railways had proposed for a settlement with the petitioners. The said proposal has been rejected outright by the petitioners.
8. Under such circumstances, the Court has no other option but to direct the railways to vacate and hand over peaceful possession of the subject premises to the petitioners in terms of the undertaking given before the Court within a period of ninety days from date.
9. In the event the authority intends to use the said premises for public purpose, it will be open for the authority to acquire the same in accordance with law.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)