

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 162 of 2025

1. Mehmud Sheikh
2. Mister Alam
3. Gulam Ansari
4. Md. Nezamuddin

..... Petitioners

Versus

1. Union of India, through the Divisional Railway Manager (D.R.M), Asansol, Burdman
2. The General Manager, Eastern Railway, Howrah, Kolkata
3. The Estate Officer, Senior Division Engineering /2/E Railway, Asansol, Burdman
4. The Assistant Engineer, Indian Railway, Madhupur, Deoghar
5. Mahtab Sheikh
6. Hanif Sheikh
7. Ibrar Sheikh
8. Ainul Sheikh
9. Kalimuddin Sheikh
10. Nasrul Alam

..... Respondents

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners: Mr. Jayant Kr. Pandey
For Respondent Nos.1-4: Mr. Anil Kumar, A.S.G.I

02/22.01.2025 Learned counsel for the petitioners prays for and is allowed to correct the designation of the respondent No.3 as mentioned in the cause title of the present writ petition.

2. Learned counsel for the petitioners confines the prayer made in the present writ petition to the extent of directing the respondent No.3 to provide ample opportunity of hearing to the petitioners/their representatives pursuant to issuance of the notices dated 12.08.2024 by the respondent No.3 whereby the petitioners have been asked to show cause as to why the order of eviction from the land in question be not passed against them.

3. Learned counsel for the petitioners submits that the petitioners have the lawful right and title over the land in question and hence issuance of the eviction notices to them by the respondent No.3 is arbitrary and illegal. Under the said circumstance, the petitioners have preferred the present writ petition.

4. Mr. Anil Kumar, learned A.S.G.I appearing on behalf of the respondent Nos. 1 to 4, submits that though the petitioners have stated in the writ petition that they have responded to the notices dated 12.08.2024 issued by the respondent No.3, however, he has no instruction as to whether pursuant to filing of the respective replies by the petitioners, any order under Section 5 of the Public Premises (Eviction of Unauthorized Occupation) Act, 1971 [hereinafter referred to as 'the Act, 1971'] has been passed by the respondent No.3. However, if the petitioners intend to submit fresh replies in this regard, they may do so within a specified period, upon which the respondent No.3 will pass an appropriate order in accordance with the provisions of the Act, 1971.

5. Having heard learned counsel for the parties and considering the nature of the prayer made in the present writ petition, without expressing any opinion on the issue raised in the present writ petition, the petitioners are given liberty to submit fresh replies within three weeks. On receipt of the said replies, the respondent No.3, after providing opportunity of hearing to the petitioners/their representative, shall pass appropriate order(s) in accordance with law within three weeks thereafter, if final order in terms with the provisions of the Act, 1971 has not already been passed.

6. The present writ petition is accordingly disposed of with the aforesaid liberty and direction.

Satish/-

(RAJESH SHANKAR, J)