



2025:CGHC:11706

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1086 of 2025

1 - Kishan Chand S/o Late Shri Jhammat Mal Dhanwani Aged About 72 Years Om Sai Nashta Budhwari Bazar Railway Station Bilaspur District - Bilaspur Chhattisgarh

... **Petitioner(s)**

versus

1 - South East Central Railway Through The General Manager, Sec Zonal Office, Bilaspur, Chhattisgarh

2 - Estate Officer Additional Divisional Railway Manager - I, Sec Railway, Drm Office, Bilaspur, Chhattisgarh

3 - Divisional Railway Manager (Drm), Drm Office, Bilaspur, Chhattisgarh

4 - Senior Divisional Engineer (Settlement), South East Central Railway, Bilaspur Division, Bilaspur Chhattisgarh

5 - Assistant Divisional Engineer (Settlement- li), South East Central Railway, Bilaspur Division Bilaspur Chhattisgarh

Digitally
signed by
SHOAIB
ANWAR
Date:
2025.03.10
17:11:34
+0530

6 - Senior Section Engineer (Works) Market South East Central Railway
Bilaspur Division Bilaspur Chhattisgarh

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s) : Shri Shreyansh Mehta, Advocate appears on
 behalf of Shri Amrito Das, Advocate.
 For Respondents : Shri Ramakant Mishra, DSGI.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

10.03.2025

1. By the present Writ Petition, the Petitioner is questioning the order impugned dated 10/01/2025 (Annexure-P/1), whereby the Estate Officer has closed the right/opportunity of the petitioner to file reply in the eviction proceeding initiated in pursuance to the notice dated 22/10/2024 under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as 'the Act, 1971').
2. Learned counsel for the petitioner would submit that the notice under Section 4 of the Act, 1971 has been challenged in the Writ Petition (C) No. 6418/2024, wherein an interim order has been passed by this Court on 20.12.2024, directing the parties to maintain status quo under the said proceedings. The petitioner intimated the same to the Estate Officer that similar issue is pending before the High Court and some time may be granted to file reply,

but the Estate Officer proceeded in the matter and closed the right/opportunity of the petitioner to file reply in the said proceeding initiated under Section 4 of the Act, 1971. He submits that closing of right to file a reply by the Estate Officer in an arbitrary manner, is illegal and contrary to the principles of natural justice as also in violation of order passed in WPC No.6418/2024.

3. Learned counsel for the respondents would submit that the Writ Petition under article 226 of the Constitution of India is not maintainable as the proceeding initiated by the Estate Officer is under the Act, 1971 and the Estate Officer has acted as Quasi Judicial Authority in the said proceeding, therefore, only the Writ Petition under Article 227 of the Constitution of India shall be maintainable. He would next submit that the petitioner was afforded sufficient opportunity to file reply, hence, the order impugned is just and proper.
4. I have heard learned counsel for the parties and perused the order dated 10/01/2025.
5. It appears from the order impugned that inspite of the petitioner's disclosure that a writ petition with similar issue is pending in the High Court, for which he sought some time to file reply, but the Estate Officer without adhering to the prayer of the petitioner, without analysis and without discussing anything rejected the prayer of the petitioner and closed the right to file reply under the proceeding of the Act, 1971. The Act of respondent/Estate Officer appears to be illegal and arbitrary, and closure of right to file reply is

amounting to violation of natural justice as such the writ petition filed by the petitioner is maintainable. Consequently, the impugned order dated 10/01/2025 (Annexure-P/1) is quashed. The petitioner is directed to file reply under the proceeding initiated under the Act, 1971 within a period of 3 weeks from today.

6. With the aforesaid observations and directions, the writ petition is allowed to the extent indicated above.

Sd/-

(Bibhu Datta Guru)
Judge

Shoaib