



2025:CGHC:10459

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1183 of 2025

1 - Dula Ram Wadhwani S/o Late Shri Lal Chand Wadhwani Aged About 69 Years Sona Sweets, Budhwari Bazar, Railway Station, Bilaspur, District Bilaspur, Chhattisgarh.

... Petitioner(s)

versus

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1 - South East Central Railway Through The General Manager, S.E.C.R. Zonal Office, Bilaspur, Chhattisgarh.

2 - Estate Officer Additional Divisional Railway Manager- 1, S.E.C. Railway, D.R.M. Office, Bilaspur, Chhattisgarh.

3 - Divisional Railway Manager (D.R.M.) D.R.M. Office, Bilaspur, Chhattisgarh.

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

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

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 Union	:	Shri Ramakant Mishra, DSGI.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

04.03.2025

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. 6488/2024, wherein an interim application has been filed which is pending for consideration. 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. He submits that despite of the fact that WPC No. 6488/2024 is pending before the Hon'ble Court, the Estate Officer passed the impugned order, which is not just and proper.

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