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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1147 of 2025

1 - Subhash Chandra Agrawal S/o Late Shri Manoharlal Agrawal Aged About 68 Years Marwadi Hotel, Budhwari Bazar, Railway Station Bilaspur, District Bilaspur, Chhattisgarh

Petitioner(s)

versus

- 1 - South East Central Railway Through The General Manager, Secr 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-Ii) South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh
- 6 - Senior Section Engineer (Works) Market, South East Central Railway, Bilaspur Division, Bilaspur Chhattisgarh

Respondent(s)

For Petitioner(s) : Mr. Amrito Das, Advocate

For Respondent(s) : Mr. Ramakant Mishra, DSGI

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

03/03/2025

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. 6490/2024, wherein an interim order has been passed by this Court on 06/01/2025 directing the parties to maintain *Status-quo* under the said proceeding. 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 by this Court in WPC No. 6490/2024.
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