

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2722 of 2026

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1. Mahendra Prasad @ Mahendra Prasad Gupta son of Late Banshi Saw, resident of Gali No. 2 Kumhar Toli near Mithilesh Market, Mohalla Lohia Nagar, Police Station- Kankarbagh, District- Patna.
 2. Nagendra Prasad Gupta son of Late Banshi Saw, resident of Gali No. 2 Kumhar Toli near Mithilesh Market, Mohalla- Lohia Nagar, Police Station- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The Union of India through General Manager, East Central Railway, Hajipur.
2. The Chief Technology Officer, East Central Railway, Hajipur.
3. The Senior Section Engineer, East Central Railway, Patna Junction.
4. The District Magistrate cum Collector Patna.
5. The Circle Officer, Phulwari Sharif, Patna.
6. The Senior Divisional Security Commissioner, Danapur Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shakti Suman Kumar, Advocate Mr. Rajesh Ranjan, Advocate
For the Respondent/s	:	Mr. GP-5 Mr. Dhuvendra Kumar, AC to GP-5
For the UOI (Railway)	:	Mr. Rajen Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 11-03-2026 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

*(i). For issuance of an appropriate writ in
the nature of certiorari for quashing of the notice
dated 20.01.2026 (as contained in Annexure-P4)*



issued by the respondent no. 3 whereby and where under respondent no 3 directed the petitioners to remove their house constructed over railway land within 10 days, failing which, the railway administration will demolish the house of the petitioners and they will be responsible for any damage to their goods, on the ground that positioners have constricted their house over the land belonging to the railway.

(ii). For issuance of an appropriate writ in the nature of mandamus that during the pendency of the present wit petition operation of the impugned notice dated 20.01 2026 (as contained in (Annexure- P4) may be stayed and the respondents may be restrained from taking any coercive step against the petitioners,

(iii). Any other writ/writs, order orders or direction directions as the facts and circumstances of the case may require and deemed fit by this Hon'ble Court may also be issued.

3. Learned counsel for the petitioners, at this stage, submits that the notice in question, does not indicate any details of the land which is said to have been claimed to be the land belonging to the Railways, therefore, the petitioners are not in a position to submit their appropriate response.

4. It has next been submitted that on the ground of vagueness of notice, having been served by the Railway, in



respect of other lands, in similar nature, the Co-ordinate Bench has interfered with such notice and accordingly, the notice in question has been quashed and learned counsel for the petitioners by referring to Annexure-P/4, submits that a similar notice on same date has also been issued in respect of these petitioners, in which no details have been given, therefore, the notice appended with the writ petition as Annexure-P/4 deserves to be quashed in similar terms.

5. On the other hand, learned counsel for the Central Railway, Hajipur, submits that the petitioners may be directed to file an appropriate response appending the judgment rendered by the Co-ordinate Bench, which shall be adjudicated by the authorities, who is said to have issued the notices.

6. Considering the submission of the parties and on perusal of the notice, in question, this Court finds that the notice is vague, bears no details of the land which, belongs to the Railway authorities, and the same is said to have been encroached by these petitioners and accordingly, on finding the notice to be vague, this Court has no hesitation in quashing the same in similar terms and accordingly, the notice dated 20.01.2026, appended with the writ petition is quashed and the authorities are directed to proceed afresh by issuing a detailed



notice in accordance with law.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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