

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3896 of 2026

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1. Pankaj Kumar Bajaj son of Late Shiv Ratan Bajaj resident of Bajaj Bhavan, M.R.M.Road, Lalbagh, Police Station- L.N.M.U District- Darbhanga
 2. Shankar Jha Son of Late Krishna Deo Jha, Resident of village - Balni Mehath, P.S -Bhairab Asthan, District - Madhubani, Bihar - 847404.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Government of India, Rail Bhawan, 256A, Raisina Road, Rajpath Area, Central Secretariat, New Delhi-110002.
2. The Secretary, Ministry of Railways, Government of India, Rail Bhawan, 256- A, Raisina Road, Rajpath Area, Central Secretariat, New Delhi-110002.
3. The General Manager, East Central Railway, Hajipur, Bihar.
4. The Divisional Railway Manager, East Central Railway, Samastipur, Bihar.
5. The Senior Section Engineer (Work), East Central Railway, Jhanjharpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra, Sr. Advocate Ms. Saumya Sinha, Adv. Mr. Sandeep Kumar, Adv. Mr. Ankesh Bibhu, Adv. Mr. Gunjan Kumar Jha,
For the Respondent/s	:	Mr. Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 04-05-2026

Interlocutory Application No. 01 of 2026

2. The instant Interlocutory Application has been filed on behalf of the petitioner seeking additional relief by amending the prayer for quashing of letter dated 03.05.2026 issued by the Respondent No.5/the Senior Section Engineer (Work), East Central Railway, Jhanjharpur to petitioner no.2, Shankar Jha informing him that he has made encroachment upon the land of the Railways and he has further been asked to vacate the encroached land before 05.05.2026, otherwise the



railway administration would forcibly vacate the land on 5th and 6th May.

3. Considering the statements made in the Interlocutory Application, the same is allowed.

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4. Heard learned Senior counsel for the petitioners and learned counsel representing the Respondents.

5. The present writ petition has been filed for the following relief(s):-

1. For issuance of an order, direction or writ including writ in Certiorari quashing letter dated 9/2/2026 issued by respondent number 5 to the petitioner number two informing him that he has made encroachment upon the land of the Railway. The petitioner number two has been asked to vacate the encroached land within two days otherwise the railway administration would forcibly vacate the land and the cost of which would be recovered from the petitioner number two.

II. For issuance of order, direction, writ including writ in mandamus commanding the respondents not to disturb the petitioners in any manner from enjoying the peaceful possession and occupation of the land in question without initiating a



procedure in accordance with law.

III. For issuance of an appropriate declaration holding that petitioner cannot be evicted forcibly from his land without taking records to a valid and legal proceeding in accordance with law.

IV. For issuance of an appropriate declaration holding that the impugned so cause notice is completely vague in as much as it gives no particulars of the land which is said to have been encroached by the petitioner number two.

V. For Issuance of an appropriate declaration holding that no action could be taken based on vague show because notice.

VI. For Issuance of an appropriate declaration holding that action of the respondents is even otherwise bad in law and facts both.

VII. For grant of any other relief(s) to which the Petitioners may be found entitled in the facts and circumstances of the case.

6. Learned counsel for the petitioners submits that a perusal of the notice would show that save and except the name that has been recorded in the notice dated 09.02.2026, no details is/are there. The submission is that it is a cryptic notice and fit to be quashed.



7. Learned counsel representing the Railways submits that there has been some encroachment but the content is not clear inasmuch as the details of the encroached land are missing.

8. This Court has heard the parties and taken note of the notice dated 09.02.2026. Respondent No.5/the Senior Section Engineer (Work), East Central Railway, Jhanjharpur is ignorant of the procedure for the issuance of notice or has deliberately done, so that it is quashed in the Court of law. In either case, he is accountable to the East Central Railways for such action/inaction.

9. In view of the above, the notice dated 09.02.2026 and subsequent notice dated 03.05.2026 issued by the Respondent No.5/the Senior Section Engineer (Work), East Central Railway, Jhanjharpur stand quashed.

10. The respondents have liberty to issue fresh notices in accordance with law.

11. The writ petition stands disposed of with the aforesaid observation.

(Ajit Kumar, J)

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