

*D/L- 5
19/05/2026
Ct. No.-19
Aritra*

WPA 10769 of 2026
Riya Chakraborty & Anr.
Vs.
The Union of India & Ors.

Mr. Anindya Lahiri, Sr. Adv.
Ms. Pranati Das
Mr. Subhomoy Paul

....for the petitioners

Ms. Manju Manat Agarwal, Sr. Adv.
Mr. Ashok Halder

....for the UOI

The petitioners claim to be the heirs of one Bijan Chakraborty (since deceased). Petitioners claim that plots being nos.GE-2 and GE-2A of Golebazar were allotted in favour of one Sujan Chakraborty (since deceased) for the purpose of running the trade in “loose tea” by the Divisional Superintendent, Kharagpur Division, South Eastern Railway. After the demise of said Sujan Chakraborty the petitioners claim that the aforesaid plots were in the exclusive possession of the predecessor-in-interest of the petitioners herein. The petitioners have submitted a representation for grant of fresh license agreement/renewal of the earlier license agreement in favour of the petitioner no.1.

Mr. Lahiri, learned senior advocate appearing for the petitioners draws the attention of the Court to the Master Circular on Policy for Management of Railway Land dated October 30, 2025 and submits that by virtue of the said circular dated October 30, 2025, the Railway Authority have allowed one time exemption for change in name of

the allottee /licensee of the shop holder upon certain conditions.

Mr. Lahiri further submits that the petitioners have also submitted a Bank Draft/Demand Draft in compliance with the said circular. Mr. Lahiri submits that the petitioner no.1 submitted a representation for grant of fresh license in her favour in terms of the Master Circular dated October 30, 2025. He submits that in spite of receipt of such representation, no decision on such representation has been communicated to the petitioners till date.

Ms. Agarwal, learned senior advocate appearing for the Railway Authority disputes the submission of Mr. Lahiri. She submits that a proceeding under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 was initiated against the erstwhile licensee, namely, Sujan Chakraborty and such proceeding is still pending. She submits that the erstwhile licensee had encroached upon other portions of the railway property. She further submits that the erstwhile licensee also changed the mode of user of the plots in question from trading in loose tea to that of running a Bar-cum-restaurant from the said plots. She submits that the erstwhile licensee violated the provisions of the license for which the proceeding under the 1971 Act had been initiated. She further submits that the period of license also stood expired and the letter dated October 4, 2004 which is annexed at page 25 of the writ petition does not find place in the records of the Railway

Authorities. She further submits that the petitioners are not entitled to any benefit as per the circular dated October 30, 2025.

After hearing the learned advocates for the respective parties, this Court finds that though the Railway Authorities claim that the proceeding under the 1971 Act has been initiated as far as back in the year 1998 but the same has not yet been taken to its logical conclusion till date.

Though the petitioners claim grant of a fresh license in terms of the circular dated October 30, 2025, no decision on such representation has been communicated to the petitioners till date.

At this stage it would not be out of place to mention that the erstwhile licensee filed a suit for declaration as a licensee before the Civil Court and upon the death of the original plaintiff, the petitioners were duly substituted in place and stead of the deceased plaintiff and such suit stood dismissed by the Civil Court and the petitioners were also unsuccessful in the appeal preferred against the said judgment and decree.

However, the issue as to the applicability of the circular dated October 30, 2025 was not the subject matter of the civil suit.

For such reason this Court is of the considered view that the interest of justice would be sub-served if the respondent authorities are directed to consider the representation of the petitioners dated April 16, 2026 and

to dispose of the same within a stipulated time frame by passing a reasoned order.

Without entering into the merits of the claim and counter-claim of the respective parties, WPA 10769 of 2026 stands disposed of by directing the Divisional Railway Manager (DRM), South Eastern Railway, being the respondent no.3 to consider the representation of the petitioners dated April 16, 2026 and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner or her authorised representative and communicate the reasoned order to the petitioners as expeditiously as possible but positively within a period of 4 weeks from the receipt of a server copy of this order along with a copy of the representation dated April 16, 2026.

It is, however, made clear that it will be open to the petitioners to place reliance upon any circular in support of her claim for grant of a fresh license and the authorities shall take into consideration such materials while passing the said order.

If the authorities seek to rely upon any new material adverse to the claim of the petitioners, such material shall have to be supplied to the petitioners before conducting the hearing pursuant to this order.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)