

Court No. 19
(265719)

16.02.2026
(AD 3)
(S. Banerjee)

WPA 27476 of 2025

Swapana Bej
Vs.
The Union of India & Ors.

CAN 1 of 2025
(not in file)

Mr. Prashant Kumar Singh
Mr. Prattay Kumar Khan
Mr. Somdev Ash
Ms. Raj Kumari Priyanka Devi
Mr. Subhamoy Dutta

...for the petitioner

Mr. Soumitra Bandyopadhyay
Mr. Tamal Taru Panda

...for the State

Ms. Rashmi Bothra
Mr. Guddu Singh

...for the respondent nos. 3 and 5

Mr. Sanjay Mukherjee
Mr. Priyadip Paul
Mr. Chiranjit Pal
Mr. Arghadip Das

...for the respondent nos. 11 to 13

Petitioner claims to be the owner and occupier of a demarcated land measuring about 2 decimals being LR Dag No. 395 within Mouza – Burikhali, JL No. 202 under Bauria Police Station in the district of Howrah together with two shop rooms constructed with brick walls and tin shed roofing having holding nos. 516/83/1455/201 within ward no. 9 of the Uluberia Municipality. Petitioner approached this

Court alleging that the Railway authorities are taking steps to demolish the shop rooms of the petitioner situated at LR Dag No. 395 without following due process of law.

When this matter was taken up for hearing on December 5, 2024, learned advocate representing the petitioner drew the attention of the Court to the provision laid down under Section 20F(4) and 20H(1) of the Railways Act, 1989 and contended that before taking possession of the land, the amount determined under Section 20F shall have to be deposited by the Central Government in the matter as may be prescribed by that government with the competent authority.

On a query of the Court as to whether compliance of the provisions laid down under the 1989 Act, more particularly Section 20H and 20I thereof, was made, the learned advocate representing the Railways sought time to take instruction in that regard.

Taking note of the provision laid down under Section 20H read with Section 20I of the 1989 Act, this Court passed an order of injunction restraining the authorities from taking possession of the property

of the petitioner for a limited period. The interim order was extended from time to time.

When this matter is taken up for hearing today, Mr. Mukherjee, learned advocate appearing for the respondent nos. 11 to 13 draws the attention of the Court to the notification dated October 15, 2025 and submits that the LR Plot No. 395 has been recorded in the name of the private-respondents and the petitioner does not have any manner of right, title, interest and possession in respect of the aforesaid plots. He further submits that the petitioner filed a suit being TS No. 610 of 2025 against the private-respondents herein praying for declaration of title and for permanent injunction restraining the private-respondents from interfering with the peaceful possession of the petitioner in respect of the property in question.

Mr. Mukherjee submits that the learned Civil Judge (Jr. Division) 1st Court at Uluberia, Howrah by an order dated November 14, 2025 refused to pass any ad interim order of injunction. He submits that such order has not been challenged by the petitioner before any superior forum. Mr. Mukherjee places reliance upon the order dated April 23, 2025 passed by the Block Land and Land Reforms Officer,

Uluberia-II in proceeding under Section 50 of the West Bengal Land Reforms Act, 1955 being case no. MN/2025/0512/1598 in support of his contention that the prayer for mutation of the name of the petitioner in the revenue records against the plot in question stood rejected upon holding that the petitioner does not possess the plot.

The learned advocate appearing for the Railways submits that the competent authority is vested with the power to determine the amount payable as compensation under Section 20F of the Railways Act, 1989 by passing an Award. She submits that the amount to be paid as compensation is yet to be determined by the competent authority. She submits that the possession of the land in question shall be taken by following the provisions laid down under the 1989 Act. She further submits that the Railways have not taken any step to take forcible possession of the property in question.

Such submission of the learned advocate appearing for the Railways is placed on record.

After going through the materials on record it appears that there is a dispute as to the title and possession in respect of the property in question

between the petitioner and the private-respondents. A Title Suit is also pending before the civil Court.

It will be open to the private parties to take appropriate steps before the proper forum for adjudication of the dispute with regard to title and possession of the plot in question.

In the light of the specific stand taken by the Railways, the writ petition stands disposed of with the observation that the Railways shall proceed strictly in accordance with the provisions of the 1989 Act.

(Hiranmay Bhattacharyya, J.)