

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.756 of 2022

Ramesh Kumar Agarwalla, son of Late S.N. Agarwalla, resident of Main Road, Jharia, P.O. & P.S. Jharia, District Dhanbad, Jharkhand.

... .. **Petitioner**

Versus

1. The Union of India, through Secretary, Ministry of Railways, having its office at Rail Bhawan, New Delhi, P.O. & P.S. New Delhi, District New Delhi.
2. South Eastern Railway, through its General Manager (Head Office) having its office at Garden Reach Road, Kolkata, P.O. & P.S. Garden Reach, District Kolkata, West Bengal.
3. Senior Divisional Engineer (North), South Eastern Railway, Adra, having its office at Adra, P.O. & P.S. Adra, District Purulia, West Bengal.
4. Estate Officer, South Eastern Railway, Adra, having its office at Adra, P.O. & P.S. Adra, District Purulia, West Bengal.
5. Assistant Divisional Engineer (ADEN), Mahuda, South Eastern Railway, having its office at Mahuda, P.O. & P.S. Mahuda, District Dhanbad.
6. Senior Sectional Engineer (Works), Bhaga, South Eastern Railways, Adra, having its office at Bhaga, P.O. & P.S. Bhaga, District Dhanbad.

... .. **Respondents**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Ajay Kumar Sah, Advocate
 Mr. Indrajit Sinha, Advocate
 Ms. Ashwini Priya, Advocate

For the Respondent(s) : Mr. Prashant Pallav, ASGI, with
 Mr. Bajrang Kumar, AC to ASGI
 Mrs. Niki Sinha, C.G.C.

07/ 27.08.2026

By filing this writ petition, the petitioner has prayed for the following reliefs:-

"(i) For issuance of an appropriate writ, order or direction, particularly a writ of certiorari for quashing the demand notice bearing no.Engineering L.No: - L/1 (Annexure-32) issued under the signature of Senior Sectional Engineer (Works), Bhaga, South Eastern Railways, Adra

whereby and whereunder the respondents informed the petitioner to deposit an amount of Rs.1,00,03,206/- towards rent from 1990 by 07.08.2019 failing which the eviction case would be finalized and the plot would be dismantled with court procedure;

- (ii) For issuance of further appropriate writ, order or direction, directing the respondents, particularly respondent no.3 to execute a formal agreement along with sketch plan/map and further calculate license fee for the land measuring an area of 7053.59 sq. ft., which is under occupation of the petitioner and particularly considering the rates payable at the nearest railway station i.e., Jamadoba;*
- (iii) For issuance of further appropriate writ, order or direction, directing the respondents particularly respondent no.3 to issue surrender certificate for the land measuring 22,101.41 sq. ft. in favour of the petitioner;"*

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. Against the order dated 28.02.2022, passed by the Estate Officer, South Eastern Railways, Adra, in Case No.E/L/41/VAA/17, this petitioner had filed an appeal being Misc. Civil Appeal No.07 of 2022, before the Principal District Judge, Dhanbad, by invoking jurisdiction under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as "Act of 1971").

3.1. The said appeal filed under Section 9 of the Act of 1971, is still pending and the next date of hearing is 18.09.2026.

4. Considering the fact that the petitioner had already filed

an appeal against the eviction order, and also the prayer made in this writ petition, which is for a direction upon the respondents to enter into a fresh agreement; in my opinion, the petitioner should pursue the said appeal taking all the grounds available to him, which should be considered by the Appellate Court.

5. With the aforesaid observation and direction, this Writ Petition stands **disposed of**.

(ANANDA SEN, J.)

27th August, 2026
Prashant. Cp-2

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