

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.6563 of 2026

Rajendra Prasad Singh, son of Late Baijnath Singh, resident of Qr. No.L6/14, Farm Area Road No.19, P.O. & P.S. Kadma, Jamshedpur, District East Singhbhum. **... .. Petitioner**

Versus

1. The Union of India, through South Eastern Railway, through its General Manager, South Eastern Railway Zone, Chakardharpur, P.O. & P.S. Chakardharpur, District West Singhbhum.
2. The Senior Section Engineer (W)/East, South Eastern Railway, Tatanagar, P.O. & P.S. Bistupur, District East Singhbhum.

... .. Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Sushant Kumar Sinha, Adv.
 Mr. Rajiv N. Prasad, Adv.

For the Respondent(s) : Mr. Prashant Pallav, ASGI-cum-Sr. Adv.
 Mr. Ayush, AC to ASGI-cum-Sr. Adv.

02/ 25.08.2026

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

"for issuance of an appropriate writ, order or direction for setting aside the Notice pasted on the house of the petitioner by the Senior Section Engineer (W)/East, South Eastern Railway, Tatanagar vide No.LC 138/RUB-ROB/39 dated 29.7.2026 (Annexure-3), in the name of unknown/ Om Prakash Singh without disclosing the description of the property whereby instruction was issued to vacate the land on 13.8.2026 failing which the Railway Administration will take necessary action as per the provisions of law for forceful dismantled the structure built by him in a most illegal and arbitrary manner without following the procedure established by law in view of the fact the house of the petitioner is not situated over Railway land and as such the railway administration has no jurisdiction to demolish the house of the petitioner."

2. Heard learned counsel representing the petitioner and learned ASGI-cum-senior counsel representing the respondents.

3. It is the grievance of the petitioner that a notice bearing No.LC 138 / RUB-ROB / 39 dated 29.07.2026, issued by the South Eastern Railway, under the seal and signature of Sr. Section Engineer (Works)/ East/ TATA, S.E. Railway, Tatanagar, in the name of "unknown / Om Prakash Singh", with subject - "Notice for vacation of Railway Land unauthorizedly occupied by you at BARIGORA GATE LC-138 section. Between TATA-GVDP section"; has been affixed on the wall of house of the petitioner.

3.1. In the aforesaid notice, it was directed that the said land be vacated by 13.08.2026, otherwise Railway Administration will compel to take necessary action as per the provision of law for forcefully dismantling the unauthorized structure built by the noticee, as the same is on the land of the Railways and has been occupied unauthorizedly by the noticee. The petitioner is impugning the said notice in this writ petition.

4. Learned counsel representing the petitioner submits that the impugned notice for vacating the land, which has been affixed on the wall of premises of the petitioner, is bad in law, as under which provision of law the same has been issued, has not been mentioned in the entire notice; and there is no one in the name of Om Prakash Singh, to whom the said notice has been addressed. He submits that the petitioner is in occupation of the premises in question. He also submits that the said land does not belong to the Railway Administration, thus there is no question to paste the notice

on the wall of premises of the petitioner. He submits that without following the process of law, the petitioner cannot be deprived of his property, that too, when no proceeding has been initiated. He finally submits that due to aforesaid reasons, the petitioner is in apprehension that his house will be demolished.

5. Learned ASGI-cum-senior counsel representing the respondents, submits that since it was found that the petitioner is in unauthorized occupation of the premises in question, the notice has been affixed.

6. After going through the impugned notice, I find that the same is not addressed to this petitioner, rather it is addressed to "Unknown / (Om Prakash Singh)". Further, the notice also does not specify that under which provision of law, the same has been issued. As per the petitioner, the said notice has been affixed on the wall of the premises, where he is residing.

7. A person cannot be evicted without following due process of law.

8. Thus, the impugned notice bearing No.LC 138 / RUB-ROB / 39 dated 29.07.2026, issued by the South Eastern Railway, under the seal and signature of Sr. Section Engineer (Works)/ East/ TATA, S.E. Railway, Tatanagar (Annexure-3 to the writ petition), is hereby set aside.

8.1. The respondents are directed to issue a fresh notice in the name of the petitioner, under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, and thereafter proceed against him accordingly as per the said Act.

8.2. It is made clear that only after following the due procedure of law, the petitioner can be evicted.

8.3. It is also made clear that the petitioner should cooperate in the said proceeding.

9. Be it noted that I have not entered into the merits of this case.

10. With the aforesaid observations and directions, this Writ Petition stands **allowed**.

(ANANDA SEN, J.)

*25th August, 2026
Prashant. Cp-2*

Uploaded on 28.08.2026