



2026:CGHC:7519-DB
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 131 of 2026

1 - Aslam Hussain S/o Shri Nazim Hussain Aged About 60 Years Budhwari Bazar, Railway Station Bilaspur, District Bilaspur, Chhattisgarh.
--- Appellant

Versus

- 1 - South East Central Railway Through The General Manager, SECR Zonal Office, Bilaspur, Chhattisgarh. (Respondent No.1).
 - 2 - Estate Officer Additional Divisional Railway Manager-I, SEC Railway, DRM Office, Bilaspur, Chhattisgarh. (Respondent No.2).
 - 3 - Divisional Railway Manager (DRM) DRM Office, Bilaspur, Chhattisgarh. (Respondent No.3).
 - 4 - Senior Divisional Engineer (Settlement) South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh. (Respondent No.4).
 - 5 - Assistant Divisional Engineer (Settlement-II), South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh. (Respondent No.5).
 - 6 - Senior Section Engineer (Works), Market South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh. (Respondent No.6).
- Respondent(s)

WA No. 132 of 2026

1 - Mr. Kamal Kumar Bajaj S/o Shri R.N. Bajaj Aged About 62 Years C/o Dolly Dresses, In Front of Gate No.4, Bilaspur Railway Station, Budhwari Bazar, Bilaspur (C.G.)
---Appellant

Versus

- 1 - Union of India Through Its Senior Divisional Engineer (Settlement), South East Central Railway, District Bilaspur (C.G.)
 - 2 - General Manager SECR, District Bilaspur (C.G.).
- Respondent(s)

For Appellants	:	Shri Manoj Paranjpe, Sr. Advocate along with Shri Amrito Das and Shri Ali Asgar, Advocates.
For Respondents	:	Shri Ramakant Mishra, Deputy Solicitor General and Ms.Annpurna Tiwari, Advocate.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Judgment on Board

11.02.2026

Per, Ramesh Sinha, CJ.

- 1 Since common facts and issues are involved in both the appeals and arise out of same impugned order, they are being heard and decided together by this common judgment.
- 2 Aggrieved by the order dated 15.01.2026 passed by learned Single Judge in WPC Nos.6163 of 2024, 5086 of 2024 and other connected matters, both the appeals have been filed by the appellants. Learned Single Judge vide impugned order, has disposed of the writ petitions filed by the appellants herein by modifying the interim order passed in writ petitions on 08.10.2024.
- 3 Subject matter in brief is that, the respective petitioners/writ appellants were the allottees of land belonging to respondents Railway situated at Budhwari Bazar, Bilaspur, adjoining to Railway Station, Bilaspur. The lands were allotted to them wayback in the year 1980 and license was issued by the Railway. The appellants constructed shop, started the business and earning their livelihood since then. During the period of license, they have paid the entire taxes and other relevant dues to the concerned department from time to time. Initially the license was granted for a period of three years and even thereafter the Railway accepted the taxes and other premium paid by the appellants without any hindrance. Though, even after expiry of lease no fresh lease was executed in favour of appellants but Railway accepted the lease rent/premium and other taxes, the appellants continued in the subject

land and earning their livelihood by their occupation over the said shops. Adjacent to the said shops of the appellants, a busy moving area is there due to the adjoining Railway Station, Bilaspur as well as Budhwai Bazar. By the lapse of time, the Railway proposed the development plan of the Railway Station and adjacent area for which the said lands of appellants were required and accordingly Railway issued notices to them directing payment of license fee due against them and if they do not vacate the premises within seven days, the proceeding under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (in short, The Act, 1971) will be initiated. The said notices dated 03.10.2024 were under challenge in respective writ petitions by the appellants herein. Vide said notices, different amount of license fee were demanded from the appellants herein.

- 4 On 08.10.2024 an interim order was passed in favour of the appellants directing the respondents Railway to maintain status quo with regard to subject property which was continued till the final order is passed by learned Single Judge. However, vide order dated 15.01.2026, the writ petitions filed by the petitioners/appellants herein were disposed of holding that after completion of lease period, the lessee have no right to continue and therefore the writ petitions are not maintainable and they have no right to continue in the subject premises, which is under challenge in these writ appeals.
- 5 Learned counsel appearing for the respective writ appellants would submit that the appellants are earning their livelihood over the subject land. They had been in possession of the premises for over four decades, regularly paying rent/premium and municipal taxes, which

the Railways had accepted without objection. The appellants are not against any development plan, but they are praying for their rehabilitation as they continued in the subject shop for more than 40 years. An exorbitant license fee is being demanded by the Railway. The appellants are small shopkeepers and demand of such an exorbitant amount towards license fee is irrational. They would further submit that Railway is having huge chunk of land adjoining to Railway station and a big plot have been allotted to M/s Haldiram who runs a food franchisee and therefore the appellants, who are small shopkeepers, can also be accommodated in the area by allotting them suitable land in accordance with law. Allotting huge chunk of land to M/s Haldiram and depriving the appellants for the same, or not rehabilitating them, amounts to discrimination towards the appellants. Therefore, the impugned order is liable to be set aside and the respondent authorities may be directed for rehabilitation of the appellants under the rehabilitation scheme. In support of their contention, they would rely upon the order dated 24.07.2024 passed by the Supreme Court in ***Abdul Mateen Siddqui Vs. Union of India & Others, Civil Appeal No.3518/2023.***

- 6 On the other hand, learned counsel appearing for the respondents Railway supported the impugned order and have submitted that learned Single Judge have rightly rejected the claim of the appellants as they were not having valid lease in their favour and Railway is in urgent need of said land for modernization/beautification of Railway Station under the relevant scheme of Central Government. Further, the Act, 1971, empowers the Estate Officer to evict unauthorized

occupants after complying the mandatory provisions of issuing notice to occupants which has duly been followed in these cases.

- 7 We have heard the counsel for the parties, perused the material annexed with the writ petitions as well as writ appeals and have gone through the pleadings of the parties.
- 8 From perusal of the order impugned it reveals that there is no existing lease in favour of the appellants though Railway accepted the lease rent/premium and other taxes time to time. In absence of any lease in favour of the appellants, their status would become unauthorized occupants. Railways is the absolute owner, and occupants without a valid, subsisting, and registered lease agreement are considered encroachers subject to immediate removal. Once a lease expires and is not renewed, the lessee (tenant) no longer has a vested or lawful right to possess the leased land. The Railways is not obligated to provide alternative accommodation or rehabilitation to such individuals as there is no policy exists under the commercial department of Railway. The ownership of all land held by the Railways vests in the Central Government (Union of India) and the Railways have a "statutory obligation" to remove encroachments.
- 9 The learned Single Judge has considered clause-3.1 of the circular dated 04.10.2022 (Annexure-P/8) (in WPC No.6163 of 2024) and affidavit filed by the Railway. In paragraph 7 of the affidavit filed by the Railway on 15.01.2026 (in WPC No.5086 of 2024), it has been contended that there is no policy exists under the commercial department for rehabilitation of the shop owners in lieu of dismantling of their existing shop and also for allotment of shop directly to the

existing shop owner in lieu of dismantling of their existing shop. The learned Single Judge has also considered the issue of allotment of plot to M/s Haldiram as it was allotted after an e-auction proceeding and in that e-auction proceeding the appellants have not participated. Since there is no existing lease in favour of the appellants, the single Judge has held that they have no vested right to continue with the subject premises and for eviction of land notices were issued to the appellants and Railway is in need of construction of extension portion of railway station for which a short period was left. The learned Single Judge after considering the necessity for construction of extension of railway station and further that the appellant's lease were not renewed, held them dis-entitled for any relief for their rehabilitation as there was no existing policy of rehabilitation under the commercial department of the railway and had disposed of the writ petitions. The Railway administrations are empowered to terminate or refuse renewal of leases for land that is required for operational purposes, maintenance, safety zones, or development projects. Even long-term possession of railway land does not grant ownership right.

- 10** After adverting the entire facts and circumstances of the case as well as the material annexed with the writ petitions and writ appeals, this court is also of the opinion that the order passed by learned Single Judge is in accordance with law as the appellants have no vested right to remain in possession of the subject premises when they had no any existing lease in their favour from the concerned department.
- 11** In writ appeal no interference is warranted in the order passed by the Single Judge unless palpable infirmities are being shown in the

impugned order. From perusal of entire material placed on record, we do not find any such infirmities or irregularities in the order passed by learned Single Judge which warrants interference of this court.

12 The judgment cited by the counsel for the appellants is of no help to them as the facts and consideration in that case is distinguishable to the facts and consideration of the present case. In that case, the Supreme Court stayed the high court order for the mass eviction of residents who claimed long-term, 50-70 year possession, noting that a "practical solution" and rehabilitation must be considered, although this does not legalize the encroachment itself.

13 Accordingly, both the writ appeals are dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

inder