



2026:CGHC:8999-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 167 of 2026**

Mitesh Chouksey S/o Shri Mahesh Chouksey Aged About 46 Years
 Mahesh Hotel, Budhwari Bazar, Railway Station Bilaspur, District
 Bilaspur, Chhattisgarh (Petitioner)

... Appellant(s)**versus**

1. South East Central Railway Through The General Manager, S E C R Zonal Office, Bilaspur, Chhattisgarh (Respondent No. 1)
2. Estate Officer Additional Divisional Railway Manager - I, S E C Railway, D R M Office, Bilaspur, Chhattisgarh (Respondent No. 2)
3. Divisional Railway Manager (D R M) D R M 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)

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Yashkaran Singh, Advocate on behalf of Mr. Amrito Das, Advocate.
For Respondents	:	Mr. Ramakant Mishra, Deputy Solicitor General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Arvind Kumar Verma, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

20.02.2026

1. Heard Mr. Yashkaran Singh, learned counsel holding the brief of Mr. Amrito Das, learned counsel for the appellant. Also heard Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for the respondents.
2. The present intra-Court appeal has been filed by the appellant against the order dated **15.01.2026** passed by the learned Single Judge in **WPC No. 6504 of 2024 (*Mitesh Chouksey vs. South East Central Railway & Others*)**, whereby the writ petition filed by appellant/writ petitioner herein has been disposed off by the learned Single Judge.
3. It has been pointed out by learned counsel for the appellant as well as learned Deputy Solicitor General, appearing for the respondents that in an identical matter, this Bench had dismissed **WA No. 131 of 2026 (*Aslam Hussain vs. South East Central Railway & Others*)**, vide order dated **11.02.2026**, observing as follows:

“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."

They further submitted that since the facts and issue involved in the present appeal is identical to that of WA No. 131 of 2026 & batch, this appeal may also be dismissed in the same terms.

4. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials on record, it is evident that the facts and issue involved in this appeal is identical to **WA No. 131 of 2026 & batch**, this Court deems it appropriate not to take a view other than what has been taken in **WA No. 131 of 2026 & batch**.

5. Accordingly, the present appeal is **dismissed** in terms of the order dated **11.02.2026** passed in **WA No. 131 of 2026 & batch**.

Sd/-
(Arvind Kumar Verma)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice