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2026:CGHC:8762-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 162 of 2026

Deep Chand Kachwaha S/o Late Shri Itwari Lal Kachwaha Aged About 60 Years Ananta Hotel, Budhwari Bazar, Railway Station Bilaspur, Distt. Bilaspur, Chhattisgarh.

... Appellant

versus

1 - South East Central Railway Through The General Manager, SECR Zonal Office, Bilaspur, Chhattisgarh.

2 - Estate Officer Additional Divisional Railway Manager I, SEC Railway, DRM Office, Bilaspur, Chhattisgarh.

3 - Divisional Railway Manager (DRM), DRM Office, Bilaspur, Chhattisgarh.

4 - Senior Divisional Engineer (Settlement) South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh.

5 - Assistant Divisional Engineer (Settlement-II) South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh.

6 - Senior Section Engineer (Works) Market, South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh.

... Respondents

For Appellant : Mr. Amrito Das, Advocate

For Respondents/Railways : Mr. Ramakant Mishra,
Deputy Solicitor General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

19.02.2026

1. Heard Mr. Amrito Das, learned counsel for the appellant as well as Mr. Ramakant Mishra, learned Deputy Solicitor General,

appearing for the respondents/ Railways.

2. By way of present writ appeal under Section 2 of Sub-Section (1) of the Chhattisgarh High Court (Appeal to Division Bench Act, 2006, the appellant, who was writ petitioner in WPC No. 6159/2024 (***Deep Chand Kachwaha Vs. South East Central Railway & Others***) has challenged the order dated 15.01.2026 passed by learned Single Judge, by which the writ petition filed by the writ petitioner/ appellant herein has been disposed of by the learned Single Judge.
3. It has been pointed out by learned counsel for the appellant as well as learned counsel appearing for the respondents/Railway that in an identical matter, this Bench had already dismissed ***WA No. 131 of 2026 (Aslam Hussain vs. South East Central Railway & Others)*** and batch 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 submit that since the facts and issue involved in the present case is identical to that of WA No. 131 of 2026 and batch, this appeal may also be disposed of 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 and batch, this Court deems it appropriate not to take a view other than what has been taken in WA No. 131 of 2026 and batch.
5. Accordingly, the present appeal is **disposed of** in terms of the order dated 11.02.2026 passed in ***WA No. 131 of 2026 (Aslam Hussain vs. South East Central Railway & Others)***.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice