



2026:CGHC:2505

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5086 of 2024

1 - Mr. Kamal Kumar Bajaj S/o Shri R.N. Bajaj Aged About 61 Years C/o Dolly Dresses In Front Of Gate No. 4, Bilaspur Railway Station, Budhwari Bazar, Bilaspur (C.G.)

--- **Petitioner(s)**

versus

1 - Union Of India Through Its Senior Division Engineer (Settlement), South East Central Railway, Bilaspur (C.G.)

2 - General Manager Secr, Bilaspur (C.G.)

--- **Respondent(s)**

WPC No. 6488 of 2024

1 - Dula Ram Wadhwani S/o Late Lal Chand Wadhwani Aged About 69 Years Sona Sweets, Budhwari Bazar, Railway Station, Bilaspur District Bilaspur Chhattisgarh

---**Petitioner(s)**

Versus

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

2 - Estate Officer, Addition Division Railway Manager-1 Sec Railway, Drm Office, Bilaspur, Chhattisgarh

3 - Division Railway Manager (Drm) Drm Office, Bilaspur, Chhattisgarh

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

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

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

--- Respondent(s)

WPC No. 2265 of 2025

1 - Sitaram Juneja S/o Late Shri Darshan Singh Juneja Aged About 83 Years R/o Punjabi Colony, Dayalbandh, Bilaspur, Chhattisgarh, Pin - 495001

---Petitioner(s)

Versus

1 - South Eastern Central Railways Through Its General Manager, Bilaspur, Chhattisgarh

2 - Divisional Railway Manager Bilaspur Division, South Eastern Central Railways, Bilaspur, Chhattisgarh

3 - Sr. Divisional Engineer (Settlement) Bilaspur Division, South Eastern Central Railways, Bilaspur, Chhattisgarh

--- Respondent(s)

WPC No. 5096 of 2024

1 - Yash Ajmani S/o Shri Gurmeet Singh Ajmani Aged About 29 Years R/o 16 Shivaji Marg, Dayalband Beside Dayalbandh Gurudwara, Bilaspur Chhattisgarh Present Owner Of Mulk Raj Hotel, In Front Of Gate No. 4 Of Railway Bilaspur Station, Budhwari Bazar, Bilaspur - 495004

---Petitioner(s)

Versus

1 - Union Of India Through Its Senior Division Engineer (Settlement),
South East Central Railway, Bilaspur Chhattisgarh

2 - Divisional Railway Manager South East Central Railway, Bilaspur
Chhattisgarh

3 - Deputy Chief Engineer (Gsu), South East Central Railway, Bilaspur
Chhattisgarh

4 - The Collector Bilaspur District Bilaspur Chhattisgarh

--- Respondent(s)

WPC No. 6504 of 2024

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

---Petitioner(s)

Versus

1 - South East Central Railway Through The General Manager, Sec
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- li) South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh

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

--- Respondent(s)

WPC No. 6490 of 2024

1 - Subhash Chandra Agrawal S/o Late Shri Manoharlal Agrawal Aged About 68 Years Marwadi Hotel, Budhwari Bazar, Railway Station Bilaspur, District : Bilaspur, Chhattisgarh

---Petitioner(s)

Versus

1 - South East Central Railway Through The General Manager, S.E.C.R. Zonal Office, Bilaspur, Chhattisgarh.

2 - Estate Officer Additional Divisional Railway Manager- I, S.E.C. Railway, D.R.M. Office, Bilaspur, Chhattisgarh.

3 - Divisional Railway Manager (D.R.M.) D.R.M. Office, Bilaspur, Chhattisgarh.

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

5 - Assistant Divisional Engineer (Settlement- 2) South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh.

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

--- Respondent(s)

WPC No. 6418 of 2024

1 - Kishan Chand Son Of Late Shri Jhammat Mal Dhanwani Aged About 72 Years Om Sai Nashta, Budhwari Bazar, Railway Station Bilaspur, Dist. Bilaspur, C.G.

---Petitioner(s)

Versus

1 - South East Central Railway Through The General Manager, Secr Zonal Office, Bilaspur, C.G.

2 - Estate Officer Additional Divisional Railway Manager- I, Sec Railway, Drm Office, Bilaspur, C.G.

3 - Divisional Railway Manager (Drm) Drm Office, Bilaspur, C.G.

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

5 - Assistant Divisional Engineer (Settlement-Ii) South East Central Railway, Bilaspur Division, Bilaspur, C.G.

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

--- Respondent(s)

WPC No. 6159 of 2024

1 - Deep Chand Kachwaha S/o Late Shri Itwari Lal Kachwaha Aged About 60 Years Ajanta Hotel, Budhwari Bazar, Railway Station Bilaspur, District Bilaspur, Chhattisgarh

---Petitioner(s)

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, Dm Office, Bilaspur, Chhattisgarh

3 - Divisional Railway Manager (Dm) Dm 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

--- Respondent(s)

WPC No. 6413 of 2024

1 - Shankar Kachwaha S/o Late Shri Itwari Lal Kachwaha Aged About 58 Years Alora Hotel, Budhwari Bazar, Railway Station Bilaspur, District- Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

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

2 - Estate Officer, Additional Divisional Railway Manager- I, Sec Railway Dm Office, Bilaspur, Chhattisgarh.

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

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

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

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

--- **Respondent(s)**

WPC No. 6163 of 2024

1 - Aslam Hussain S/o Shri Nazim Hussain Aged About 58 Years Budhwari Bazar, Railway Station Bilaspur, District Bilaspur, Chhattisgarh.

---**Petitioner(s)**

Versus

1 - South East Central Railway Through The General Manager, Sec 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 - li), South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh.

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

--- Respondent(s)

WPC No. 6219 of 2024

1 - Shamim Hussain S/o Shri Nazim Kussain And Smt. Jamila Begum Aged About 50 Years Laknavi Mannat Hotel, Budhwari Bazar, Railway Station Bilaspur, District Bilaspur, Chhattisgarh.

---Petitioner(s)

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.

--- Respondent(s)

WPC No. 5483 of 2024

1 - Smt. Sevati Bai (Wrongly Mentioned In Notice As Shivati Bai) W/o Shri Rampratap Mishra Aged About 70 Years Proprieter Of Mishra Bhojnalaya In Front Of Gate No. 04, Bilaspur Railway Station, Bilaspur, C.G., R/o Opposite Hotel Intercity, Jagmal Chowk, Bilaspur, C.G.

---Petitioner(s)

Versus

1 - Union Of India Through Its General Manager, South East Central Railway, Bilaspur, C.G.

2 - Divisional Railway Manager Bilaspur Division, South East Central Railway, Bilaspur, C.G.

3 - Senior Divisional Engineer (Settlement) South East Central Railway, Bilaspur, C.G.

--- Respondent(s)

WPC No. 5460 of 2024

1 - Smt. Shama Devi Uke W/o Shri Shyamlal Uke Aged About 66 Years Proprietor Of Maa Sharda Bhojnalaya In Front Of Gate No. 04, Bilaspur Railway Station, Bilaspur, Chhattisgarh. R/o Magarpara, Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

1 - Union Of India Through Its General Manager, South East Central Railway, Bilaspur, Chhattisgarh

2 - Divisional Railway Manager, Bilaspur Division, South East Central Railway, Bilaspur, Chhattisgarh

3 - Senior Divisional Engineer (Settlement) South East Central Railway, Bilaspur, Chhattisgarh

--- Respondent(s)

WPC No. 5455 of 2024

1 - Shri K. Bhaskar Rao S/o K. Ranganakaulu Aged About 68 Years Proprietor Of Laxmi Vaishnav Bhojnalaya In Front Of Gate No. 04, Bilaspur Railway Station, Bilaspur C.G. --- R/o Kasim Para, Near North East (Ne) Colony, Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

- 1** - Union Of India Through Its General Manager, South East Central Railway, Bilaspur, Chhattisgarh.
- 2** - Divisional Railway Manager, Bilaspur Divisional, South East Central Railway, Bilaspur, Chhattisgarh.
- 3** - Senior Divisional Engineer (Settlement), South East Central Railway, Bilaspur, Chhattisgarh.

--- Respondent(s)

For respective petitioners	: Shri Amrito Das, Shri Ghanshyam Patel, Shri Ali Asgar, Shri Shivang Dubey, Shri Pranav Saxena and Shri Yashkaran Singh, Advocates.
For respective respondents	: Shri Ramakant Mishra, DSGI along with Shri Bhupendra Pandey, CGC, Miss Anmol Sharma, CGC, Shri Rishabh Singh Deo and Miss Shweta Rai, Advocates.

(Hon’ble Shri Justice Narendra Kumar Vyas)

Order on Board

15/01/2026

1. Since the issue involved in the Writ Petitions is common, they are being disposed of by this common order.
2. The Writ Petitions have been filed by the petitioners who are leaseholders of the subject land which belongs to Railways. On the said subject land, construction of shop had taken place around 50-60 years ago. Thereafter, some of the shops were shifted to the present place of dispute. South East Central

Railway extended lease to the petitioners in the year 2010 which was valid for five years. After expiry of said lease, petitioners submitted applications before the Railways for extending the lease agreement as also for renewal of lease but there was no response from the Railways and lease agreement of the petitioners have not been renewed. It is the further case of the petitioners that the respondent with an intent to remove the petitioners are not extending the lease and are creating pressure on the petitioners to vacate the premises. Subsequently, impugned notices were issued to the petitioners directing them to pay the license fee due against them and if they do not vacate the premises within seven days, proceedings under Public Premises (Eviction of Unauthorized Occupants) Act, 1971 will be initiated against them which compelled the petitioners to file the present writ petitions with a prayer to quash the impugned notices dated 03.10.2024. The details of the notices are tabulated below:-

WPC No.	Notice dated	Lease Area in (Sq Ft)	Period	License fee
WPC/5086/24	03.10.2024	2930	2014-15 to 2024-25	58,12,204/-
WPC/5096/24	03.10.2024	4698	2012-13 to 2024-25	1,00,94,252/-
WPC/5455/24	03.10.2024	200	2015-16 to 2024-25	3,63,015/-
WPC/5460/24	03.10.2024	200	2015-16 to 2024-25	3,63,015/-
WPC/5483/24	03.10.2024	200	2015-16 to 2024-	3,63,015/-

			25	
WPC/6159/24	03.10.2024	440	2013-14 to 2024-25	9,45,396/-
WPC/6163/24	03.10.2024	100	2015-16 to 2024-25	1,81,507/-
WPC/6219/24	03.10.2024	200	2013-14 to 2024-25	3,96,737/-
WPC/6413/24	03.10.2024	240	2013-14 to 2024-25	5,15,671/-
WPC/6418/24	03.10.2024	322.5	1988-89 to 2024-25	9,78,708/-
WPC/6488/24	03.10.2024	1968	2012-13 to 2024-25	45,53,387/-
WPC/6490/24	03.10.2024	200	2015-16 to 2024-25	3,93,737/-
WPC/6504/24	03.10.2024	1177	2015-16 to 2024-25	21,36,343/-
WPC/2265/25	03.10.2024	1280	2015-16 to 2024-25	23,26,925/-

3. This Court after hearing the parties on 08.10.2024 granted interim relief in favour of the petitioners and directed the respondents to maintain *status quo* with regard to the subject property. Thereafter, the interim relief continued on subsequent dates.
4. The petitioners have contended that the respondent though requires to vacate the premises has given one shop to Haldiram which runs a food franchise and as such, it cannot said that the entire land is required for development and beautification of the railway station which means that the petitioners are being subject to discrimination.

5. Shri Ali Asgar, counsel for the petitioner submits that the license fee amounting to Rs.58,12,204/- has not been segregated properly and higher quantum has been fixed without any actual basis and as such, amount of license fee has been assessed illegally.
6. Shri Amrito Das, Advocate for the petitioner contended that the respondent railways have filed the return denying the fact that no discrimination has been done with the petitioners and it has also been contended in the return that the shop was auctioned and since Haldiram was the H-1, therefore, the shop has been allotted to Haldiram.
7. Learned counsel for the petitioners further submits that there is sufficient surplus land available with the Railways with which they are very much accommodated. To substantiate his submission, learned counsel would place reliance on the order dated 24.07.2024 passed by the Hon'ble Supreme Court in the matter of **Abdul Mateen Siddiqui vs. Union of India and Ors. {Civil Appeal No(s).3518 of 2023}**. Para 5 of the said order reads as under:

5. In view of the fact that hundreds of families are living at the site for decades, we have impressed upon the Union of India and the State of Uttarakhand to undertake the following exercise without any delay:

(i) In the first phase, to identify the strip of the land (the width and the length), which is required immediately for

the purpose of shifting of the railway line or for construction of necessary infrastructure;

(ii) To identify the families, who are likely to be affected in the event of vacation from that land; and

(iii) The proposed site where such affected/uprooted families can be rehabilitated.

8. Lastly, it has been prayed by learned counsel for the petitioners that the impugned notices may kindly be quashed.

9. The respondent Railways has filed their counter affidavit contending that as the license given to the petitioners has not been renewed, they are unauthorized encroachers. It has also been contended that the respondent in pursuance of the program namely Amrit Bharat Station intends to develop the Bilaspur Railway Station and as such, the subject land is required for development, maintenance and beautification of the railway station.

10. Learned counsel appearing for the Railways reiterated the facts and submissions made in the counter and submits that the order passed in the matter of **Abdul Mateen Siddiqui (supra)** as referred by counsel for the petitioner is distinguishable on facts as in that case, fifty thousand persons are residing in the railway colony though they may be encroachers, therefore, the Hon'ble Supreme Court has passed the order for providing Rehabilitation Scheme, however, this is not the situation in the present case. It has been further contended that the Railways has issued a policy

issued dated 04.10.2022 (Annexure R/4) named as Policy for Management of Railway Land and submit that the petitioners are not entitled to continue to live in the lease premises after completion of lease period long back and would pray for dismissal of the writ petitions.

11. I have heard learned counsel for the parties and considered their pleadings and rival submissions.

12. This Court on the last date of hearing had directed the Railways to examine and file affidavit on the point that whether Clause 3.1 of the Circular dated 04.10.2022 will be applicable at the stage of commencement of construction work or becomes applicable after the development work has already been undertaken. Clause 3.1 of the said circular reads thus:-

3.1 (a) For existing shops on railways land where license has expired or not yet renewed :- These shops will be auctioned for grant of license at reserve price of 10% of market value of land per annum, provided land is not required for railways' own infrastructural and development need. However, existing licensee/owner will have the right of first refusal. The rent shall be increased @ 6 % per year. The license will be given for maximum tenure of 5 years.

(b) For existing shop with valid license agreement :
These shops, on expiry of license tenure, will be given on license by auctioning at reserve price of 10% of market value of land per annum, provided land is not required for railway' own infrastructural and

development need. However, existing licensee/owner will have the right of first refusal. The rent shall be increased @ 6% per year. The license will be given for maximum tenure of 5 years.

13. In pursuance of that direction, Railways has filed affidavit and contended that interim order passed by this Court may kindly be vacated and since the petitioners after completion of lease period have no right to continue, therefore, the Writ Petitions are not maintainable. Para 7 of the additional reply filed by the respondents is as under:

7. That, as per comments of commercial department vide his letter no.COM/BSP/NFR/RCR/23 dated 10.02.2025, the following points are narrated as under:-

(a) There is no any policy exists under commercial department for rehabilitation of shop owner in lieu of dismantling of their existing shop/plot.

(b) There is no any policy under commercial department for allotment of shop/plot directly to existing shop/plot holder in lieu of dismantles of their existing shop.

(c) The above petitioners were not be allotted shop/plot in the line of Haldiram as it appears that at the time of e'auction all these 18 shop holders were not participated in the proceedings of e'auction at that

time. Further, the above petitioners cannot be allotted shop/plot in the line of Haldiram as it was allotted through e'auction and anybody can participate in the auction if fulfilling the terms and condition of e'auction.

(d) The Coach Restaurant was allotted through e'auction to the Haldiram vide FM Circular no. 11 of 2022. A copy of FM Circular no.11 of 2022 is enclosed here with as Annexure R-2.

14. From the submission made by learned counsel for the parties, this Court *prima facie* is of the view that since license of the petitioners have not been renewed, therefore, they have no right to continue in the said premises.
15. Considering the fact that petitioners are shopkeepers of the shop in the subject land and are running their shops, this Court had directed learned Deputy Solicitor General of India to verify that actually when the subject land where the shops are situated is required for construction work. Shri Mishra, on instructions, informs this Court that subject land is required for construction of railway station and only 45 days are left to start the construction work in the place where these shop are situated.
16. In view of the above and upon considering the fact that the license of the petitioners has not been renewed and further considering that the subject land is required for construction of railway station, I am of the view that the interim order passed by this Court is liable to be modified. It is accordingly modified to the

extent that as soon as the respondent requires the subject place for construction, then prior to seven days of starting of construction work when they actually require the land for development, the respondents will serve notice to the petitioners for vacating the premises and thereafter, the respondents will start demolishing the shops. It is also directed that the petitioners will vacate the premises without creating any hindrance in the construction work. It is further directed that the petitioner will not adopt any steps which are not prescribed under the law to stall the construction work of the respondent.

17. It is further directed that since the proceedings are pending before the Authority under the Public Premises Act, 1971, the same shall be concluded in accordance with law on its own merits without being influenced from any of the observations made by this Court and strictly on the basis of material placed before it.

18. Consequently, the Writ Petitions are disposed of.

Sd/-

(Narendra Kumar Vyas)

JUDGE