

GAHC010253702023



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6511/2023

SMTI JAYATI DEBNATH AND ANR
W/O LATE SUBASH DEB NATH, R/O PRAGJYOTISH NAGAR, B.G. COLONY,
MALIGAON, P.S.-JALUKBARI, GUWAHATI-781011

2: DHANAJIT DEB NATH
S/O LATE SUBASH DEB NATH
R/O PRAGJYOTISH NAGAR
B.G. COLONY
MALIGAON
P.S.-JALUKBARI
GUWAHATI-78101

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI-781011

2: THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
GUWAHATI-781011

3: THE SENIOR SECTION ENGINEER
W/BB/AMJ
N.F. RAILWAY
AMINGAON
GUWAHATI-31

4: MUKUL KALITA
MAYOR-IN-COUNCIL
PLANNING AND DEVELOPMENT (BUILDING PERMISSION)
DISASTER MANAGEMENT AND LICENSE ETC
WARD NO. 2

GMC
JALUKBARI
PRAGJYOTISH NAGAR
GUWAHATI-78101

Advocate for the Petitioner : MR. R DE, MR. J DEKA

Advocate for the Respondent : DY.S.G.I., MR H GUPTA

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 16.03.2026

Heard Mr. J. Deka, learned counsel, appearing for the petitioners. Also heard Mr. H. Gupta, learned CGC, appearing for the respondent nos.1, 2 and 3.

2. The challenge in the present writ petition is to the notices dated 13.07.2023 and 02.11.2023, issued by the Senior Section Engineer W/BB/AMJ, NF Railway, Amingaon, requiring the petitioners to vacate the plot of land under their possession which the Railways claim to be under unauthorized occupation by the petitioners, inasmuch as, the land, in question, belongs to the Railways.

3. The learned counsel for the petitioners by referring to the impugned notices dated 13.07.2023 and 02.11.2023, has submitted that, therein, there is no disclosure of the particulars of the Railway land purportedly under unauthorized occupation of the petitioners, herein. He further submits that the said notices have also not been issued invoking the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. Accordingly, he prays that the said notices would mandate an interference from this Court.

4. Mr. H. Gupta, learned CGC, fairly submits that no particulars of the land involved has been set out in the impugned notices and the same also does not disclose that the provisions of the Act of 1971 were invoked for issuance of the same.

- 5.** I have heard the learned counsel for the parties and perused the materials available on record.
- 6.** The Railway authorities by projecting that the petitioners, herein, are in unauthorized occupation of Railway land, proceeded to issue notices dated 13.07.2023 and 02.11.2023, requiring them to vacate the Railway land under their occupation, or else threatened initiation of action for vacation of the land.
- 7.** This Court on perusal of the impugned notices finds that no particulars of the Railway land under purported unauthorized occupation has been set out in the impugned notices. The notices have also not been found to have been issued by invoking the provisions of the Act of 1971.
- 8.** This Court in the above view of the matter is of the considered view that the present writ petition may not be required to be detained any further for adjudication and can be disposed of by interfering with the said notices dated 13.07.2023 and 02.11.2023, with liberty to the Railway authorities to take appropriate steps in the matter in accordance with the provisions of the Act of 1971, in the event, the plot of land, belongs to the Railways and is under unauthorized occupation of the petitioners, herein.
- 9.** In view of the above, the notices dated 13.07.2023 and 02.11.2023 stands set aside. The Railway respondents are at liberty to initiate fresh proceedings in the matter strictly in accordance with the provisions of the said Act of 1971. In the event proceedings are initiated in the matter by the Railway authorities for eviction of the petitioners, the notices required to be issued, be so issued, disclosing detailed particulars of the land belonging to the Railways which is alleged to be under unauthorized occupation of the petitioners.
- 10.** With the above observations and directions, the present writ petition stands disposed of.

JUDGE