

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) [Filing] No.487 of 2026

Dilip Chakraborty @ D.K. Chakraborty, aged about 70 years, son of Late R.B. Chakraborty, resident of H. No.263, Usha Bhawan, Kitadih, Near Durga Mandir, P.O Kitadih, P.S. Parsudih, Town Jamshedpur, District East Singhbhum, Jharkhand-831002
.... **Petitioner**

-Versus-

1. The Union of India through South Eastern Railway, having its divisional office at Chakradharpur, P.O & P.S Chakradharpur, District West Singhbhum through Divisional Railway Manager, SER, Chakradharpur, District West Singhbhum
2. The Divisional Railway Manager (herein after to be called as DRM) South Eastern Railway, having its divisional office at Chakradharpur, P.O & P.S Chakradharpur, District West Singhbhum
3. Senior Divisional Engineer (East), South Eastern Railway, having its Divisional office at Chakradharpur, P.O & P.S Chakradharpur, District West Singhbhum
4. Sr. DEN (Coord), SER, having its Divisional office at Chakradharpur, P.O & P.S Chakradharpur, Dist: West Singhbhum
5. Senior Section Engineer (Land), South Eastern Railway, Tatanagar, P.O & P.S Jamshedpur, District East Singhbhum
.... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner	: Mr. Mahesh Tewari, Advocate
For the Resp.-UOI	: Mr. Prashant Pallav, ASGI
	: Mr. Sunil Kumar, CGC

02/Dated: 20th January, 2026

1. Heard learned counsel for the parties.
2. The present writ petition has been filed for the following reliefs:-

“(i) for issuance of an appropriate writ, order and/or direction, particularly a writ in the nature of Mandamus, commanding the respondents, especially Respondent No.5, to produce before this Hon'ble Court all records and documents pertaining to the issuance of the 30 days' vacation notice dated 16.07.2024 (Annexure-5), whereby the Respondent No.3 has directed the petitioner to vacate the railway allotted plot and hand over the same in vacant condition, failing which the Railway Administration has threatened to take recourse to law, and further intimated that upon such vacation and certification by Railway officials of the railway plot bearing Shop No.TC-27/TATA, Area 15' X 10' (150 sq ft.), the advance payment deposited towards annual land licence fee for the current financial year 2024-25 (01.04.2024 to 31.03.2025) shall be refunded, if applicable.

(ii) for issuance of an appropriate writ, order and/or direction for quashing and setting aside the impugned notice dated 16.07.2024 (Annexure-5) issued by Respondent No.3, the same being wholly illegal, arbitrary, unreasonable and a blatant misuse of power, inasmuch as the petitioner has been running his business over a small area measuring 15' x 10' (150 sq. ft.), which was originally granted to him on licence basis by the Railway Administration in the year 1985, and the said licence has been continuously renewed from time to time and is presently valid up to 31.03.2025.

(iii) for quashing and setting aside the letter dated 31.12.2025, whereby the petitioner has been directed to completely vacate the premises and remove all belongings, with a further threat that the Railway Administration shall remove the entire structure by conducting a large-scale demolition operation on or before 05.01.2026, which action is wholly arbitrary, coercive and without authority of law.

(iv) for quashing the impugned letter dated 31.12.2025 as the same is illegal, arbitrary, unreasonable, violative of the principles of natural justice and amounts to blatant misuse of power, inasmuch as the petitioner is a lawful licensee under a subsisting licence valid up to 31.03.2025 and no due process of law has been followed prior to issuance of the said letter.

(v) for issuance of an appropriate writ, order and/or direction commanding the respondents to accept the licence fee/rent from the petitioner with effect from 01.04.2025 till date and to continue accepting the same thereafter, as the petitioner has always been ready and willing to deposit the said licence fee/rent, which he has been regularly depositing without default since the year 1996.

(vi) for issuance of an appropriate writ, order and/or direction commanding the respondents to forthwith allot and/or grant an alternative parcel of land/shop to the petitioner for his rehabilitation, at a location suitable and conducive for running his original business, with all basic amenities, so as to enable the petitioner to continue his business and earn his livelihood, the right to livelihood being an integral facet of the right to life guaranteed under Article 21 of the Constitution of India.

(vii) for issuance of an appropriate writ, order and/or direction restraining the respondents from evicting or dispossessing the petitioner from his shop, except in accordance with law and until such time as an alternative and viable arrangement for shifting and rehabilitation of the petitioner's business is duly provided by the Respondent Railway Administration.

(viii) To restrain the respondents from taking any coercive steps, including forcible eviction or demolition, against the petitioner's shop, the same being the sole source of livelihood of the Petitioner, in the interest of justice.”

3. It has been submitted by the learned counsel for the petitioner that the petitioner is a licensee since year 1983. As per the terms and conditions of the said licence, shop has to be constructed by the licensee itself and accordingly, the petitioner has constructed the shop where he is running a medical shop. In that way, he is serving the community and the Railway Hospital also. It has further been submitted that the petitioner being a law abiding citizen has paid rent up-to-date. Suddenly, notice dated 31.12.2025 (Annexure-9) has been issued by the Sr. Section Engineer (Land) S E Railway, Tatanagar, directing the petitioner to vacate the shop, in question, which is otherwise not only arbitrary, but rather it is contrary to the factual matrix.

4. Learned counsel for the petitioner has further submitted that there is no requirement of the land by the Railway and that a false plea has been raised to deprive the petitioner from his legal rights. It has further been submitted that even if the petitioner is removed, his removal should take place only after his rehabilitation not otherwise.

5. Having heard the learned counsel for the petitioner. This Court has raised a specific query from the railway authority and railway authority has filed affidavit in W.P(C) Case No.110 of 2026 along with analogous cases, wherein, it has been brought to the notice of the Court that the land on which the shop in question is situated is required for a scheme named as ‘Gati Shakti’.

6. The order has been passed in another cases that is different, but the present order is being passed as per the argument made by the petitioner.

7. It is settled principle of law that the licensee has no right to continue in the possession, if it is required for the public purpose. In the present case, if the

requirement of the railway under the said scheme is required, then the petitioner cannot be allowed to withhold the progress of the country and deprive the other citizens from getting fruits of the development, but, at the same time the railway cannot be allowed to take a false plea.

8. Considering the above fact, the present writ petition is hereby, disposed of directing the Deputy Commissioner, West Singhbhum, Chaibasa to make an enquiry within a week from today. Both the parties are directed to appear before him on **22nd January, 2026** at 11:00 A.M.

9. The Deputy Commissioner, West Singhbhum, Chaibasa is directed to get the matter enquired and if the land, in question, is required by the Railway under the scheme known as ‘Gati Shakti’ or for any ancillary work, then, he is directed to remove to encroachment within a week thereafter.

10. With the above observation and direction, the present writ petition stands disposed of.

(Rajesh Kumar, J.)

20th January, 2026
Shahid/Raja /-Uploaded on 21.01.2026