

D/L 11
27.02.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4622 of 2025

Eastern Railway Howrah Division Hawckers Union,
Serampore Railway Station Unit & Anr.

Vs.

The Union of India & Ors.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kr. Nag
Mr. Ritesh Ganguly
Mr. Rahul Kr. Singh
Mr. Subhajit Das

...for the Petitioners.

Mr. Asok Kumar Chakraborty, Sr. Adv. ASGI
Mr. Kumar Jyoti Tewari, Sr. Adv.
Ms. Sayani Roy Chowdhury

...for the Union of India.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner no. 1 claims to be a registered Trade Union and the petitioner no. 2 is its Secretary. The petitioners claim that, the members of the petitioner no. 1 are hawkers who are carrying on trade and business for years together in and around the Serampore Railway Station.
3. The railway authority published a notice mentioning that eviction of the unauthorized encroachments at Serampore platform and its circulating area will be held on 27th February, 2025. The unauthorized occupants have been requested to vacate their possession by 27th February, 2025, failing which action will be taken against them.
4. Learned advocate for the petitioners submits that, since they are occupying the said place for years together, and they are maintaining their livelihood from the earnings therefrom, they should be provided an opportunity of hearing prior to taking any coercive steps against them.

5. Learned ASGI opposes the prayer of the petitioners. Reliance has been placed on Section 147 of the Railways Act, 1989 and several judgments delivered by this Court on similar points of law.
6. It has been brought to the notice of the Court that, eviction drive has been started in connection with a project – Amrit Bharat Scheme. As national interest is involved, accordingly, the same will prevail over any personal interest of an individual.
7. Prior to deciding the matter on merits, the Court grants one opportunity to the petitioners to produce documents in support of the right of the hawkers to run their business from the railway platform.
8. The Divisional Railway Manager, Howrah Division, Eastern Railway is directed to afford an opportunity of hearing to petitioner no. 2 who may be permitted to be assisted by a legal representative. The notice of hearing may be served upon the learned advocate on record of the petitioners.
9. The matter is made returnable on 13th March, 2025.
10. The fate of the hearing shall be made known on the adjourned date.
11. The respondents are restrained from taking any coercive steps against the petitioners till 21st March, 2025 or until further order, whichever is earlier.
12. All parties to act on the basis of the server copy this order duly downloaded from the official website of this Court.

(Amrita Sinha, J.)