

Court No. 19
(265719)

22.05.2026

(AD 10)

(S. Banerjee)

WPA 11782 of 2026

Kanhaiya Lal Gupta

Vs.

Union of India & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Advocate

Mr. Mrityunjoy Chatterjee

Mr. Manas Das

Ms. Suchismita Chakraborty

Mr. Abhishek Chakraborty

Ms. Shreya Das

...for the petitioner

Mr. Kumar Jyoti Tiwari, Sr. Advocate

Ms. Anamika Pandey

Mr. Amrit Sinha

Mr. Aniruddha Tiwari

Ms. Samriddhi Nayak

...for the Union of India

Mr. Dibasish Basu

Ms. Sayani Roy

...for the respondent nos. 6 and 7

The petitioner claims to be carrying on business at premises no. 4/5, Rishi Bankim Chandra Road, Howrah Station, Howrah since February, 2018. Petitioner alleges that on May 18, 2026 at about 3 p.m., some persons claiming to be the railway officials, affixed an undated and unsigned notice on the front door of the petitioner's office. By the said notice, the petitioner was directed to remove the encroachment by May 23, 2026.

Mr. Bhattacharya, learned Senior Advocate, appearing for the petitioner submits that the eviction notice has not been issued under any provision of a statute. He also submits that in the said notice the

authority issuing the notice has also not been disclosed. The notice also does not bear signature of any responsible official. He further submits that the petitioner should not be evicted without due process of law.

Mr. Tiwari, learned Senior Advocate, appearing for the Railway authorities submits that pursuant to a policy, namely 'Amrit Bharat Prakalpa', steps are being taken to remove encroachment from the railway stations and the Howrah Railway Station has been identified as one of such stations. He submits that the Railways Act, 1989, more particularly Section 147(2) thereto, empowers the Railway authorities to remove any person who has trespassed into the property of the railways. He further submits that the petitioner herein is a rank trespasser and do not have any right to continue in occupation of the property belonging to the railways.

Mr. Tiwari, learned Senior Advocate, files a written instruction signed by the Senior Divisional Engineer (Headquarters), Eastern Railway, Howrah dated May 21, 2026 which is taken on record. He submits that though the petitioner has claimed to have been paying rent to Hooghly Nadi Jalapath Paribahan Samabay Samity Limited, but such Samity has no right to collect rent from any individual using the Railway land unauthorisedly. He further submits

that the Samity signed agreement with the Railway administration to create such office on the Railway premises.

In reply, Mr. Bhattacharya, learned Senior Advocate, submits that immediately after the notice was pasted on the door of the property of the petitioner, an objection against the purported eviction notice was submitted through the petitioner's learned advocate's letter dated May 20, 2026. He submits that no decision on such communication has been communicated to the petitioner till date.

Respondent nos. 6 and 7 are represented by their learned advocate.

Heard the learned advocates for the parties and perused the materials placed.

It prima facie appears to this Court that the eviction notice is a vague one as the same does not disclose under what authority the same was issued. That apart, immediately after the notice was pasted on the property of the petitioner, an objection thereto has been served upon the Railway authorities.

On a query of the Court Mr. Tiwari, learned Senior Advocate, appearing for the Railway authorities, in his usual fairness, submits that no

decision on such representation has been communicated to the petitioner till date.

Since an objection has been submitted before the Railway authorities, this Court feels that interest of justice would be sub-served if a responsible officer of the Railway authorities is directed to consider the same and pass an order on such objection.

At this stage, Mr. Bhattacharya, learned Senior Advocate, appearing for the petitioner submits that the said objection was submitted hurriedly and some of the points have not been included in the said objection. He prays for liberty to submit a comprehensive representation before the appropriate authority.

Mr. Tiwari, learned Senior Advocate, submits that the Divisional Railway Manager, Eastern Railway, Howrah Division, being the 3rd respondent, shall be the appropriate authority who can take a decision on the grievance of the present petitioner.

In the light of the submissions made by the learned advocates for the respective parties, this Court gives liberty to the petitioner to submit a comprehensive representation before the Divisional Railway Manager, Eastern Railway, Howrah Division by 4 p.m. of May 25, 2026.

Mr. Tiwari, upon instructions from the officer of the Railway authorities who is present in Court, submits that the hearing shall be conducted on May 29, 2026 at or about 2 p.m.

Mr. Bhattacharya, learned Senior Advocate, appearing for the petitioner, on instruction, submits that the petitioner or his authorized representative shall appear at the hearing before the aforesaid authority on May 29, 2026.

Since the date and time of hearing has been fixed by the Court in the presence of the learned advocates for the respective parties, there shall be no necessity to serve a fresh notice of hearing to the petitioner and the respondent no. 7.

List this matter on June 10, 2026 under the heading 'For Orders' and on that date the respondent no. 3 shall file the copy of the reasoned order.

Needless to mention that the copy of the reasoned order shall be served upon the petitioner at least two days prior to the date fixed for hearing of this matter.

There shall be an order of stay of operation of the eviction notice annexed at page no. 79 of the writ petition insofar as the petitioner is concerned till the

end of the month of June, 2026 or until further order
whichever is earlier.

(Hiranmay Bhattacharyya, J.)