

Sl. 11  
22.05.2026  
Court No.19  
BP

WPA 11793 of 2026

37 Refugee Shop Keeper's  
Association & Ors.  
-versus-  
Union of India & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Advocate  
Ms. Nandini Mitra  
Mr. Samim Ahammed  
Mr. Arka Maiti  
Ms. Saloni Bhattacharya  
Ms. Gulsanwara Pervin  
Mr. Nasirul Haque  
Ms. Amibiya Khatun  
Ms. Reshma Khatun  
..for the petitioners

Mr. Dhiraj Trivedi, Sr. Advocate  
Ms. Debjani Ghosal  
Ms. Sanchayita Das  
..for the Eastern Railway

Mr. Dibasish Basu  
Ms. Sayani Roy Chowdhury  
..for the respondent no.6

The petitioner no.1 claims to be the association of Refugee Shop Keepers registered under the Societies Registration Act and the petitioner no.2 claims to be the Secretary of such association. The petitioner nos. 3 and 4 claim to be the residents of the locality where the shops of the members of the petitioner no.1 association are situated. The grievance of the petitioners is that the railway authorities are trying to evict them without due process of law.

Mr. Bhattacharyya, learned senior advocate appearing for the petitioners draws the attention of the

Court to an unsigned and undated eviction notice annexed at page 63 of the writ petition and submits that the said notice is silent as to under which provision of the statute the same has been issued.

Mr. Bhattacharyya, learned senior advocate appearing for the petitioners draws the attention of the Court to an order dated 31<sup>st</sup> August, 1979 passed in Civil Rule No. 17568(W) of 1975 in connection with an application under Article 226 of the Constitution of India in support of his contention that at the relevant point of time the learned advocate representing the railway authorities made a submission that the petitioners would be evicted in accordance with law and through no other process. He further submits that the instant eviction drive is undertaken without following the procedures established by law.

Mr. Trivedi, learned Deputy Solicitor General representing the authorities of the railway submits that pursuant to a project namely Amrit Bharat Prakalpa for removal of encroachment from railway properties, the authorities are taking steps to remove the encroachment from the railway property. Mr. Trivedi submits that the authorities are trying to make their property encroachment free. Mr. Trivedi submits that he is yet to receive any instructions in this matter. He submits that Section 147(2) of the Railways Act, 1989 empowers the railway authorities to remove any person who has

committed trespass into the railway property. He however prays for an accommodation to disclose the stand of the railway authorities by way of an affidavit.

However, since Mr. Trivedi, learned Additional Solicitor General prays for some accommodation to take instructions and to file a report in the form of an affidavit disclosing the stand of the railway authorities, this Court feels that some time should be granted to the railway authorities and the State to disclose their stand.

Let report in the form of an affidavit be filed by the Divisional Railway Manager, Howrah Division being the 5<sup>th</sup> respondent disclosing the stand of the railway authorities with regard to the issues raised in this writ petition. It would be open to the Principal Secretary, Land and Land Reforms & Refugee Relief and Rehabilitation Department being the 6<sup>th</sup> respondent to file a report in the form of an affidavit disclosing the stand of the State with regard to issues involved in this writ petition.

Let the reports in the form of an affidavit by the aforesaid respondent authorities be filed on or before June 10, 2026 upon serving an advance copy of the said report to the learned advocate on record of the petitioners. Exceptions thereto, if any, be filed by the petitioners on or before June 16, 2026 upon serving an advance copy of the same to the learned advocates on record of the railway authorities and the State.

It appears from the order passed in Civil Rule No. 17568(W) of 1975, that the Railway authorities have taken a stand that eviction would be done in accordance with law.

It prima facie appears to this Court that the notice of eviction is a bald one. Thus, the petitioners are entitled to an interim order.

There shall be an order of stay of operation of the eviction notice annexed at page 63 of the writ petition only insofar as the petitioners of this writ petition is concerned till the end of the month of June, 2026 or until further order whichever is earlier.

List this matter on 17<sup>th</sup> June, 2026 under the heading "For Orders".

**(Hiranmay Bhattacharyya, J.)**