

Item-
Sl-8. 22-05-2026

sg Ct. 19

WPA 11821 of 2026

Howrah Station Porters Welfare Association & Ors.
Versus
The Union of India & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Ms. Jayanti Chowdhury
Ms. Mayuri Ghosh
Ms. Mandobi Chowdhury
Ms. Priya Malakar

...for the petitioners

Mr. Subhankar Nag
Mr. A. Banerjee

...for the KoPT

Mr. Dheeraj Trivedi DSGI
Ms. Anamika Pandey
Mr. Dinesh Bachar

..for the Railway authority

Affidavit of service filed in Court is taken on record.

Mr. Bhattacharya, learned Senior Counsel appearing for the petitioners submit that the dispute involved in the writ petition do not pertain to Group-IX of the classification list but it falls under Group-I of the classification list.

He prays for leave to correct the presentation form.

Such leave is granted.

The learned Advocate-on-Record for the petitioner is granted leave to correct the presentation form, here and now.

The petitioners claim to be running a business from three properties being Premises No. A at 4/5 Rishi Bankim Chandra Road, Howrah near Uttam Mancha, measuring an area of 126 sq. meters; premises No.B at 4/3 Rishi Bankim Chandra Road, near Chand Mari Ghat, Howrah, measuring 45 sq. meter and Premises C at 4/3 Rishi Bankim Chandra Road, opposite Mother Diary, measuring an area of 46 sq. meters.

Mr. Bhattacharya, learned Senior Counsel appearing for the petitioners draws the attention of the Court to several

licences for wharf space occupation issued by the Kolkata Port Trust. He submits that though the petitioners are in occupation of a property owned by the authorities of Port Trust, an unsigned and undated eviction notice has been issued by the Railway Administration. He submits that the said notice is claimed to have been pasted on the door of the property of the petitioners on 18th May, 2026 directing the petitioners to remove the encroachment by 23rd May, 2026.

Mr. Bhattacharya further refers to the affidavit filed by the General Manager of the Eastern Railway in a proceeding before the National Green Tribunal being OA 104/EZ/2023 in support of his contention that the Railway authorities have admitted that the aforesaid properties belong to the Syama Prasad Mookerjee Port.

Mr. Nag, the learned Counsel appearing for the authorities of Port Trust submits, on instruction, that the properties in question belong to the Port Trust authority and the petitioners are in occupation of the property belonging to the Port Trust Authority.

Faced with such submission, Mr. Trivedi, learned Deputy Solicitor General of India seeks an accommodation to take complete instruction in this regard.

From the materials disclosed in this writ petition, more particularly the affidavit filed by the Eastern Railway before the National Green Tribunal, it prima facie appears to this Court that the property which is the subject matter of this writ petition, is owned and controlled by the Port Trust authorities.

If the properties are owned by the authorities of Port Trust, the Railway authorities may not have the authority to

evict the petitioner from the properties in question.

The petitioners have made out a strong prima facie case. Balance of convenience and inconvenience lies in favour of the petitioners. Unless an interim order is passed, the petitioners will suffer irreparable loss and injury.

A responsible officer of the Eastern Railways, Howrah Division, is directed to file a report in the form of an affidavit disclosing their stand on the issues involved in this writ petition, by 18th June, 2026. Exception thereto, if any, shall be filed by 26th June, 2026.

There shall be an order of stay of operation of the eviction notice annexed at page 173 of the writ petition, insofar as the petitioners are concerned, till the end of the month of July, 2026 or until further order whichever is earlier.

List this matter on 29th June, 2026 under the same heading.

(Hiranmay Bhattacharyya, J.)