

03.07.2026
Item No.6
Ct. No.19
KS

W.P.A. 14657 of 2026

**Rabin Halder & Ors.
Vs.
Union of India & Ors.**

Mr. Samim Ahammed
Mr. Arka Maity
Ms. Ambiya Khatun
Ms. Gulsanwara Pervin
Mr. Danish Abbasi
Ms. Reshma Khatun

..... For the Petitioners

Mr. Nilanjan Bhattacharya
Ms. Joyita Dhar Chakraborty
Ms. Avantika Chakraborty

.....For the State

Mr. Kumar Jyoti Tiwari, Sr. Adv.
Ms. Sarda Sha

.....For the Railways/U.O.I.

1. The contending parties are represented by their respective learned counsel.
2. Learned counsel for the writ petitioners has filed payment challen to the extent of Rs.25,600/- towards deficit Court Fees and the same is taken on record.
3. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the Railway administration not to take any coercive action in terms of the notice impugned, a copy of which

has been annexed at Page **No.84** of the instant writ petition.

4. It is submitted on behalf of the writ petitioners that from the copy of the notice impugned it would reveal that the said notice is not a notice in the eye of law and by virtue of issuance of such notice the Respondent-Railway authority ought not to have taken any action which violates the fundamental right of the writ petitioners as enshrined in Article 21 of the Constitution of India. It is, thus, submitted by the writ petitioners ad interim order of stay may be passed in respect of the notice impugned.
5. Per contra, Mr. Kumar Jyoti Tiwari, learned senior counsel appearing on behalf of the Railway authority, candidly submits that no report has yet come forward in connection with the instant matter. It is further submitted before this Court that in this writ petition numbers of writ petitioner are restricted to **129** and they have no *locus standi* to occupy the Railway property and thus, they are not entitled to get any protection as prayed for.

6. It is further submitted by Mr. Kumar Jyoti Tiwari that since the instant writ petition has not been filed in representative capacity and no leave prior to filing of instant writ petition has been prayed for, no favourable order may be passed in favour of the writ petitioners or in favour of the unlawful occupiers of Ballygunj Railway Station.
7. On careful perusal of the entire materials as placed before this Court and after hearing the contending parties, it *prima facie* appears to this Court that the subject-matter of the instant lis is more or less identical with WPA 12367 of 2026, WPA 12644 of 2026, WPA 12649 of 2026 and WPA 14536 of 2026, over which this Court in seisin and those matters are fixed for hearing on 08.07.2026.
8. It further *prima facie* appears to this Court that the outcome of the aforementioned four writ petitions, WPA 12367 of 2026, WPA 12644 of 2026, WPA 12649 of 2026 and WPA 14536 of 2026, will also take care of the fate of the instant writ petition.
9. In view of such, let this matter be listed on August 12, 2026, under the same heading.

10. Learned advocate for petitioners undertakes to supply a copy of the instant writ petition with all annexures to the learned advocate for Railway authority positively in course of this day.
11. On the adjourned day the Railway authority is directed to submit a report in the form of affidavit, after serving advance copy of the same to the learned advocate for the writ petitioners at least three days ahead.
12. Liberty is given to the learned advocate for the writ petitioners to file exception to such report also on the adjourned day.
13. Considering the urgency of the issue, let there be a stay of the operation of the impugned notice in respect of the present writ petitioners' alleged possession over the Railway property at Ballygunj Railway Station and/or within vicinity area. It is specifically made clear that the Railway authority shall not take any coercive action against the present 129 writ petitioners only till the next date, if not vacated or dispossessed in the meantime.

(PARTHA SARATHI SEN, J.)