

10.07.2026
Item No.17
Ct. No. 19
RP

WPA/15622/2026
BUDHADEB KARMAKAR AND ORS
VS
UNION OF INDIA AND ORS.

Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Hasanauzzaman Molla
Ms. Ankita Ghosh
Mr. Salini Bhattacharjee
Mr. Rajosik Dutta
Mr. Asik Mondal
Mr. Md. Imzamamul Islam
Mr. Md. Naman Shah
Ms. Binita Dutta
..... For the Petitioners
Ms. Soma Chakraborty
.....For the State
Mr. Dhiraj Trivedi, Ld. ASGI
Mr. Guddu Singh
.....For the Railways/U.O.I.

1. The contending parties are represented
by their respective learned counsel.
2. Affidavit-of-service filed in Court today
be taken on record.
3. The learned advocate for the petitioners
undertakes to deposit deficit court fees
within three working days.
4. 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 Nos.81 and 82 of the instant writ petition.

5. 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 that an ad interim order of stay may be passed in respect of the notice impugned.

6. Per contra, Mr. Trivedi, learned ASG 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 the number of writ petitioners are restricted to **37** and they have no locus standi to occupy the Railway property and thus, they are not entitled to get any protection as prayed for.

7. It is further submitted by Mr. Trivedi 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 over the Railway property adjacent to circulating area of **Champahati** railway station.

8. 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 is in seisin and those matters are fixed for hearing on 14.07.2026.

9. 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.

10. In view of such, let this matter be listed on August 12, 2026, under the same heading.

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 adjacent to the circulating area of **Champahati** 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 **37** writ petitioners only till the next date, if not vacated or dispossessed in the meantime.

(PARTHA SARATHI SEN, J.)