

AD-06-08
Ct No.16
09.07.2026
TN

MAT 1100 of 2026
IA No: CAN 1 of 2026

Ardhendu Das and others
Vs.
Union of India and others

With

MAT 1101 of 2026
IA No: CAN 1 of 2026

Bikash Kar and others
Vs.
Union of India and others

With

MAT 1103 of 2026
IA No: CAN 1 of 2026

Narayan Sen and others
Vs.
Union of India and others

Mr. Samim Ahammed,
Mr. Arka Maity,
Mr. Ambiya Khatun,
Mr. Danish Abbasi

....for the appellants in all the matters

Mr. Nilanjan Bhattacharjee, Snr. St. Counsel,
Ms. Jayita Dhar Chakraborty,
Mr. Suman Banerjee

....for the State in all the matters

Mr. Ravi Ranjan Kumar

....for the UoI in MAT 1100 of 2026

Mr. Tirupathi Acharyya

....for the UoI in MAT 1101 of 2026

Ms. Rashmi Bothra

....for the UoI in MAT 1103 of 2026

1. At the outset, an adjournment is sought on behalf of the railway authorities.

2. However, in view of the extreme urgency involved, we take up the matters for considering the scope of grant of interim orders.
3. The appellants in all these matters have taken out writ petitions challenging the notices dated June 12, 2026, June 05, 2026 and June 08, 2026 respectively, affixed at the Halisahar, Barrackpore and Naihati railway stations, the contents of which are to the effect that hawkers and vendors who are not authorized by the railway administration for running businesses at Halisahar, Barrackpore and Naihati railway stations/railway premises by keeping their shops, stalls, etc. are thereby informed and also instructed to remove such shops/stalls/structures etc. from the railway station premises within fifteen days therefrom without fail; otherwise the railway administration would be bound to remove all such unauthorized shops/stalls/structures.
4. Learned counsel appearing for the appellants argues that the writ petitioners/appellants filed their writ petitions seeking leave to move the same in representative capacity on behalf of themselves as well as all other similarly situated hawkers of the said station premises. Although no specific order was passed at the juncture of passing the impugned order granting such leave, the characters of the writ petitions are still in representative capacity. However, it is submitted that although the learned Single Judge, being *prima facie* satisfied, passed orders

restraining the respondent authorities from taking any coercive steps, such orders were passed only in respect of the writ petitioners/appellants and not in respect of the other similarly situated hawkers, who also come within the purview of the impugned notices.

5. The limited ambit of the appeals is whether the learned Single Judge ought to have passed similar orders in respect of the other affected members of the hawker community as well.
6. Learned counsel relies on an unreported judgment of this Court dated July 02, 2026 in *MAT 1071 of 2026 (Kartick Chandra Dutta and others vs. Union of India and others)*, whereby, in somewhat similar circumstances, the operation of a similar notice had been stayed as a whole.
7. Upon a perusal of the notices impugned in the several writ petitions, we find that the same address “all the hawkers and vendors who are not authorized by railway administration for running businesses” at the respective railway stations/railway premises”. Thus, by the very tenor of the said notices, they bring not only the writ petitioners but all other hawkers and vendors, who are allegedly running their shops/businesses in an unauthorized manner in the railway premises of the Halisahar, Barrackpore and Naihati railway stations, within the same bracket, being similarly affected and similarly placed vis-à-vis the said notices.

8. In the context of the prayers made by the writ petitioners that the writ petitions are being moved in representative capacity, even if no leave was granted at the outset, leave may be granted at any stage before final disposal of the writ petitions to that effect. Thus, potentially, the writ petitioners/appellants have a right to act in representative capacity of similarly situated other hawkers in the writ petitions.
9. Even otherwise, proceeding from the perspective of the notices themselves, those unify all the persons affected thereby under the same umbrella of affectation. As such, non-grant of similar protection to the other affected persons than the writ petitioners, particularly in the light of Article 14 of the Constitution of India, would be a violation of the right of such other persons to be treated equally before the law as the petitioners. Also, in view of the writ petitions containing prayers seeking leave to move the same in representative capacity, it is open to the learned Single Judge to adjudicate such aspect as well at subsequent stages of the writ petitions.
10. Be that as it may, since the Writ Court, being *prima facie* satisfied of triable issues having been raised, has already granted protection against coercive measures in respect of the writ petitioners, which has not been challenged by the respondent-authorities till date, there cannot be any conceivable reason as to why similar protection ought not to be given to the other affected persons as well.

11. Accordingly, we grant stay of operation of the impugned notices dated June 12, 2026, June 05, 2026 and June 08, 2026, annexed at page-15 of both the applications, being CAN 1 of 2026 filed in connection MAT 1100 of 2026 and MAT 1101 of 2026, and page-13A of CAN 1 of 2006 filed in MAT 1103 of 2026 respectively, in their entirety, till July 16, 2026 or until further orders, whichever is earlier.
12. The matters shall be listed next, in view of the accommodation sought by the railway authorities, on July 13, 2026 under the same heading.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)