

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya  
&  
The Hon'ble Mr. Justice Supratim Bhattacharya

MAT 1100 of 2026  
with  
CAN 1 of 2026

Ardhendu Das and Ors.  
Vs.  
Union of India and Ors.

with

MAT 1101 of 2026  
with  
CAN 1 of 2026

Bikash Kar and Ors.  
Vs.  
Union of India and Ors.

with

MAT 1103 of 2026  
with  
CAN 1 of 2026

Narayan Sen and Ors.  
Vs.  
Union of India and Ors.

|                                          |   |                                                                                                                                     |
|------------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------|
| For the appellants in<br>all the matters | : | Mr. Samim Ahammed,<br>Mr. Ambiya Khatun,<br>Ms. Reshma Khatun                                                                       |
| For the State in<br>all the matters      | : | Mr. Nilanjan Bhattacharjee,<br>Sr. Standing Counsel,<br>Ms. Jayita Dhar Chakraborty,<br>Jr. Govt. Adv.,<br>Mr. Suman Banerjee, Adv. |
| For the Uol in<br>MAT 1101 of 2026       | : | Mr. Tirtha Pati Acharyya, Adv.                                                                                                      |
| For the Uol in<br>MAT 1103 of 2026       | : | Ms. Rashmi Bothra, Adv.                                                                                                             |
| Heard on                                 | : | July 14, 2026.                                                                                                                      |
| Judgment on                              | : | July 14, 2026.                                                                                                                      |

**Sabyasachi Bhattacharyya, J.:**

1. On consent of the parties, the appeal itself is taken up for hearing along with the application, in view of the short question involved.
2. The learned Single Judge, by the impugned order, has granted interim protection to the writ petitioners /appellants, who claimed to be hawkers in the railway stations at Halisahar, Barrackpore and Naihati.

3. The contention of the appellants is that the appellants filed the writ petition in representative capacity as well as on their own behalf. Although no specific leave was granted within the contemplation of Order II Rule 2 of the Code of Civil Procedure, it is submitted that the other hawkers operating on the said railway stations, similarly placed as the appellants, stand on an equal footing and accordingly, ought to have been given the benefit of the said interim order as well.

4. Learned senior counsel for the Union of India, representing the Railway authorities, controverts such arguments and submits that no leave was granted to proceed with the writ petition in representative capacity and, in the absence of such leave, the interim order cannot be extended to all other similarly placed persons.

5. However, upon consideration of the arguments of the parties, we find that since the notices do not name any particular person, but pertain to allegedly unauthorized constructions on the aforementioned railway stations in general, the effect of the same would be equal insofar as not only the writ petitioners/appellants but all other similarly placed persons are concerned.

6. Accordingly, by applying Article 14 of the Constitution of India, there cannot be any conceivable reason as to why the other similarly placed persons as the writ petitioners/appellants ought not also to be granted the benefit of the said interim protection.

7. While observing so, we take into consideration the fact that even if the writ petitioners/appellants have not yet obtained leave from the

writ court to proceed in representative capacity, the impugned notices themselves unify the affected persons by operating equally to all of them. Thus, the moment an interim protection was granted, the same ought to have been extended to all affected persons, since the writ court was *prima facie* satisfied of an arguable case having been made out vis-à-vis the said notices, which is not restricted to the appellants only.

8. In such view of the matter, MAT 1100 of 2026, MAT 1101 of 2026 and MAT 1103 of 2026, along with CAN 1 of 2026 in all the said appeals, are disposed of by extending the ad interim order i.e. stay of operation of the impugned notices dated June 12, 2026, June 5, 2026 and June 8, 2026 annexed to the applications filed in connection with MAT 1100 of 2026, MAT 1101 of 2026<sup>3</sup> and MAT 1103 of 2026 respectively till July 31, 2026 or until further orders passed by the writ court, whichever is earlier.

9. It is made clear that the above observations are only tentative in nature and shall not be binding on the parties and/or the writ court at any further stage of the writ petition and it will be open to the learned Single Judge taking up the writ petition to decide the writ petition on its own merits without being influenced in any manner by the said observations.

10. The interim protection hereby granted shall be subject to the outcome of the writ petition.

11. No order as to costs.

12. Urgent certified copies of this order, if applied for, be supplied to the parties, upon compliance of requisite formalities.

I agree.

**(Sabyasachi Bhattacharyya, J.)**

**(Supratim Bhattacharya, J.)**

AD – 4-6  
Ct No.16  
14.07.2026  
(SSS)