

WPA/16592/2026
SOURAV BAIDYA AND ORS.
VS.
UNION OF INDIA AND ORS.

Mr. N.G. Sarkar, Adv.
Mr. Debashis Banerjee, Adv.
Mr. Devranjan Das, Adv.
Mr. Partha Mukherjee, Adv.
Mr. Rakesh Jana, Adv.

....For the Petitioners

Mr. Dhiraj Kr. Trivedi, A.S.G.I.

...For the Respondent Nos.1-5

Mr. D.N. Roy, G.P.
Ms. Jayita Dhar Chakraborty, Jr. Govt. Adv.
Mr. J.R. Dhar, Adv.

...For the Respondent-State

1. The contending parties are represented by their respective learned counsel.
2. Affidavit-of-service as filed by the petitioners 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.177 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. Trivedi, learned A.S.G.I. 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 54 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. 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 of Baghajatin 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 21.07.2026 and 22.07.2026 at 02:00 p.m.

- 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 Baghajatin 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 54 writ petitioners only till the next date, if not vacated or dispossessed in the meantime.

(PARTHA SARATHI SEN, J.)