

Item No.32
09.01.2026
Court. No. 2
(gc)

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 9 of 2026

Sumit Nath Roy
VS
Union of India & Ors.

*Mr. Bikramaditya Ghosh,
Mr. Ronit Kr. Jha,
Mr. Bishwaraj Agarwal,
Mr. Ved Rai,
Mr. Mayank Bhandari,
Mr. Vivek Saha,
Mr. Sapan Ram,
Mr. Binayak Bandopadhyay*

...for the Petitioner.

*Mr. Sudipto Kumar Mazumder, Ld. DSGI,
Mr. Tridip Saha,
Mr. S. Roy*

...for the Railway.

1. Let this matter appear on February 11, 2026.
2. The respondent will come back with necessary instruction.
3. The petitioner shall not be removed from the Stall No.19 which is next to Haldibari Railway Station.
4. The Haldibari Municipality is not present despite service. Further notice be issued upon Haldibari Municipality as the participation of the Haldibari Municipality in this matter is necessary.
5. The petitioner contends that the Estate Officer, N.F. Railway passed an order of eviction upon one Rajeev Nath Rai, son of Sri Anil Nath Rai. The

petitioner claims to be the son of Sri Anil Nath Rai and is running the said stall from the premises in question. Such disputed fact requires further clarity. The records which have been produced would show that the Municipality was collecting rent from the petitioner. The question arises as to whether the said stall is situated on the public premises or not.

6. Thus, up to 28th February, 2026, the petitioner shall not be removed from the Stall No.19.

(Shampa Sarkar, J.)