

Court No. 19
(265719)

14.05.2026

(AD 6)

(S. Banerjee)

WPA 11040 of 2026

Sahidul Laskar

Vs.

The General Manager, Eastern Railway & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate

Mr. Samim Ahmed

Mr. Deeptangshu Kar

Mr. Purbayan Chakraborty

Ms. Reshma Khatun

...for the petitioner

Ms. Debjani Ghosal

Ms. Sanchayita Das

...for the Eastern Railway

Affidavit of service filed in Court today, is taken on record. In spite of service none appears for the respondents.

Ms. Debjani Ghosal, learned advocate, who usually represents the Eastern Railway, is present in Court and is requested to appear in this matter. A copy of the writ petition has been served upon Ms. Ghosal in course of hearing of this writ petition. She prays that this matter be taken up in the next week to enable her to take instruction.

Let the appointment of Ms. Ghosal be regularized by the competent authority.

The petitioner claims to be representing the residents of Brace Bridge Railway Station and has filed this writ petition challenging the action taken by

the railway authorities to evict the petitioner and other residents from the area adjacent to Brace Bridge Railway Station premises.

Mr. Bhattacharya, learned Senior Advocate, appearing in support of the petitioner draws the attention of the Court to the notice dated May 9, 2026 which was pasted on the wall of the structure wherein the petitioner and other residents are residing. He further submits that though the notice refers to the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, no proceeding as contemplated under the said Act was initiated for the purpose of eviction of the petitioner and other residents from the area in question.

After going through the notice dated May 9, 2026, it prima facie appears to this Court that the same was not addressed to any particular person or group of persons but the same was directed against all the occupants of the public premises in question. The notice also does not refer to any order passed under the provisions of 1971 Act or any other statute.

The question that arises for consideration is whether the occupation of the petitioner and others can fall within the expression 'unauthorised occupation' as defined under Clause (g) of Section 2 of the 1971 Act and also whether the 1971 Act can be

applied for the purpose of evicting the occupants of the premises in question.

In the said notice it has been stated that the occupants have to vacate the property along with their belongings within 48 hours from the issuance of such notice.

Thus, there is urgency in this matter.

Whether the procedure prescribed under the relevant statute for eviction of the petitioner from the premises in question has been followed or not, also has to be examined.

Since an accommodation has been sought for by the learned advocate representing the respondent authorities, this Court is inclined to pass an interim order for a limited period.

There shall be an order of stay of operation of the notice dated May 9, 2026 till May 20, 2026 or until further order whichever is earlier.

List this matter on May 19, 2026 under the heading 'Fixed Matters' immediately after 'New Motions'.

(Hiranmay Bhattacharyya, J.)