



CGHC010252632026



2026:CGHC:27858

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WP227 No. 766 of 2026**

**1** - South East Central Railway Through The General Manager, S E C R  
Zonal Office, Bilaspur, Chhattisgarh

**2** - Estate Officer Additional Divisional Railway Manager I, S E C  
Railway, D R M Ofifce, Bilaspur Chhattisgarh

**3** - Divisional Railway Manager (D R M) D R M Office, Bilaspur,  
Chhattisgarh

**4** - Senior Divisional Engineer (Settlement) South East Central Railway,  
Bilaspur Division, Bilaspur Chhattisgarh

**5** - Assistant Divisional Engineer (Settlement-Ii) South East Central  
Railway, Bilaspur Division, Bilaspur Chhattisgarh

**6** - Senior Section Engineer (Works) Market, South East Central  
Railway, Bilaspur Division, Bilaspur Chhattisgarh

**... Petitioner(s)**

**versus**

**1** - Aslam Hussain S/o Shri Nazim Hussain Aged About 60 Years  
Budhwari Bazar, Railway Station Bilaspur, District Bilaspur,  
Chhattisgarh

**... Respondent(s)**

For Petitioner(s)	:	Mr. Ramakant Mishra, ASG
For Respondent(s)	:	None present

**(Hon'ble Shri Justice Ravindra Kumar Agrawal)**

**Order on Board**

**06/07/2026**

Heard.

2. The present writ petition under Article 227 of the Constitution of India has been preferred by the Union of India assailing the order dated 15.05.2026 passed by the learned Principal District Judge/Appellate Officer in Miscellaneous Civil Appeal No. 11/2016, whereby the appeal preferred by the respondent was allowed and the matter was remanded to the said Officer for fresh adjudication in accordance with law after issuance of a proper notice under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

3. Learned counsel for the petitioner submits that the learned Appellate Court has committed a manifest error in holding that the provisions of Section 4 of the Act of 1971 had not been complied with. It is contended that a notice under Section 4 of the Act was duly served upon the respondent, who, despite sufficient opportunity, failed to adduce any evidence in his defence. Consequently, the said Officer rightly passed the order of eviction. It is further submitted that the learned Appellate Court erred in remanding the matter merely on the ground of alleged non-compliance with Section 4 of the Act, although the respondent continues to remain in unauthorized occupation of the

public premises. According to the petitioner, the impugned remand order unnecessarily compels the State Officer to initiate fresh proceedings, thereby causing avoidable delay. It is, therefore, prayed that the impugned appellate order be set aside and the eviction order passed by the State Officer be restrained.

4. I have heard learned counsel for the petitioner and perused the material available on record.

5. A perusal of the impugned order it transpires that the learned Appellate Court has meticulously examined the pleadings, documents and evidence available on record and has recorded a categorical finding that the notice issued under Section 4 of the Act of 1971 failed to disclose the specific grounds on which the respondent was sought to be evicted, as mandated under the statute. The Appellate Court has further observed that, notwithstanding the respondent's failure to adduce evidence, the principles of natural justice required that a valid notice specifying the grounds of eviction be served before any adverse order could be passed. Accordingly, the matter was remitted to the State Officer for fresh consideration after issuance of a proper notice under Section 4 of the Act and after affording the respondent proper opportunity of hearing in accordance with law.

6. Upon due consideration of the impugned order, this Court finds no patent illegality, perversity, jurisdictional error or material irregularity warranting interference in exercise of the supervisory jurisdiction under Article 227 of the Constitution of India. The order passed by the learned

Appellate Court is well-reasoned, legally sustainable and does not call for any interference.

7. Accordingly, the writ petition, being devoid of merit, is dismissed.

Sd/-

(Ravindra Kumar Agrawal)  
Judge