

**Arvind Kumar Sharma Vs. Superintendent of Railway Police and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/465486](http://sooperkanoon.com/465486)

**Court :** Allahabad

**Decided On :** Mar-11-2003

**Reported in :** 2003(3)AWC1875; (2003)2UPLBEC1178

**Judge :** Anjani Kumar, J.

**Acts :** [Constitution of India](#) - Article 226

**Appeal No. :** C.M.W.P. No. 11231 of 2003

**Appellant :** Arvind Kumar Sharma

**Respondent :** Superintendent of Railway Police and ors.

**Advocate for Def. :** S.C.

**Advocate for Pet/Ap. :** K.C. Shukla, Adv.

**Disposition :** Writ petition dismissed

**Judgement :**

ORDER

**Anjani Kumar, J.**

1. Heard learned counsel for the petitioner and the learned standing counsel for the contesting respondents.

2. In view of the order which I propose to pass, it is not necessary to invite any counter-affidavit.
3. The petitioner, by means of this writ petition under Article 226 of the [Constitution of India](#), has prayed for the following reliefs :
- (i) Issue writ, order or direction in the nature of mandamus commanding the Superintendent of Railway Police, Agra Cantt., Agra (respondent No. 1) not to interfere in the peaceful living of petitioner in House No. D-7, Railway Colony, Agra Cantt., Agra and further direct the respondent No. 1 to permit the petitioner for residing in the aforesaid house till the allotment of new residential house in District Police, Agra.
  - (ii) Issue writ, order or direction in the nature of mandamus commanding the respondent No. 1 to not Initiate any legal or departmental proceeding against the petitioner for non-vacating the residential house No. D-7, Railway Colony, Agra Cantt., Agra.
  - (iii) issue any other writ, order or direction which this Hon'ble Court may deem fit and proper on the facts and circumstances of the case ;
  - (iv) Award cost on the petition to the petitioner.
4. The petitioner has miserably failed to demonstrate any legal right to continue in the Railway accommodation allotted to him by virtue of his posting in the Government Railway Police.
5. In this view of the matter, this writ petition is devoid of merits and deserves to be dismissed.
6. However, in the facts and circumstances of the case and as stated in the application of the petitioner, Annexure-9 to the writ petition, only to this extent that the petitioner will vacate the accommodation on or before 1st of April, 2003, it is directed that the petitioner shall not be forced to vacate the accommodation, namely, Railway accommodation allotted to him by virtue of his posting in the Government Railway Police till 31st March, 2003. If the petitioner does not vacate

the said accommodation on or after 1st April, 2003, it will be open to the respondents to take such legal action as are available to them.

7. In view of what has been stated above, this writ petition is dismissed.

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