

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

The Hon'ble Justice Sabyasachi Bhattacharyya

**W.P.A. No. 22570 of 2016
With
CAN 2 of 2021**

**M/s. South Bengal Automobiles and another
Vs.
Union of India and others**

For the petitioners	:	Mr. Sarajit Sen, Mr. Sasanka Kr. Mandal Mr. Anirudha Lahiri
For the State	:	Mr. Billwadal Bhattacharyya, Mr. Amal Kumar Datta
Hearing concluded on	:	05.08.2022
Judgment on	:	11.08.2022

Sabyasachi Bhattacharyya, J:-

1. The writ petitioners have challenged a General Notice for eviction of commercial plots over Kharagpore Division of the South Eastern Railway dated November 23, 2015. Learned counsel for the petitioner submits, at the outset that the Notice was apparently issued under Section 147 of the Railways Act, 1989 (for the sake of brevity, "the 1989 Act"). It is submitted, at the outset, that the said provision confers unbridled power on the railway-authorities to evict occupants arbitrarily without following due process of law. As such, the said provision ought to be declared *ultra vires* the Constitution. It is not only

violative of the Natural Justice principle of *audi alterem partem* but also contravenes Article 14 of the Constitution of India since parallelly, the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as, “the 1971 Act”) provides for a detailed procedure and right of show cause to the occupants prior to such eviction, even if an unauthorized occupant.

2. It is submitted that such disparity between otherwise similarly placed occupants, both in respect of Government property, shall create an anomaly inasmuch as the authority may take out proceedings duly under the 1971 Act against some occupants and a summary procedure, without any due process of law under Section 147 of the 1989 Act against others.
3. Section 147 of the 1989 Act, it is argued, has no non-obstante clause to exclude Sections 4, 5 and 7 of the 1971 Act. Hence, parallel proceedings are maintainable under both Acts, which gives rise to the possibilities of unequal usage of the two in respect of different occupants.
4. Learned counsel then argues that sub-section (2) of Section 147 makes itself subservient to sub-section (1) thereof by using the expression “subject to” sub-section (1). Hence, unless it is determined upon giving opportunity of hearing to the occupant that the said occupant is in illegal or unlawful occupation of the premises, no proceedings for eviction or removal can be undertaken within the contemplation of the said Act.
5. In the present case, it is argued, the petitioners have been occupying the disputed premises by virtue of leave and licence granted by the Railway-Authorities for quite a long time. Occupation charges have been paid by the petitioners and received by the Railway-Authorities, much after the issuance of the impugned notice and even five years into pendency of the present writ

petition. As such, it cannot be said that the petitioners are unlawful occupants. Hence, neither Section 147 of the 1989 Act nor Sections 4, 5 and 7 of the 1971 Act are applicable to them.

6. Learned counsel for the petitioner argues that the 1971 Act, being a special statute in respect of eviction of unauthorised occupants, prevails over the 1989 Act, which is general vis-à-vis unauthorised occupants.
7. It is next argued that the impugned notice was bad in law, as the same was issued by the Senior Divisional Manager of the South Eastern Railway without any authority to represent the Railways for the purpose of Section 147.
8. That apart, a change of user has been alleged in the notice, which is palpably incorrect. The property was originally taken on leave and licence for carrying on trade. Although the trade which was originally carried on is different from the present one, the use of the premises remains the same inasmuch as it is being used still for the purpose of trading.
9. Full payment of occupation charges have been made up to the year 2021, that is, much after the filing of the writ petition itself in the year 2016, and accepted by the Railway-Authorities from the petitioners. As such, any right to evict the petitioner, even if available to the Railway by virtue of the notice, has been subsequently waived.
10. Learned counsel for the petitioner next contends that under the provision of Section 147 of the 1989 Act, “any railway servant” or “any person” (even if a rank outsider) called by him, even if unauthorised by the Railways to do so, may evict a person summarily without giving any opportunity of hearing or representation to the occupant. In the garb of such eviction, authorised

occupants like the petitioner may also be sought to be evicted as in the present case.

- 11.** As opposed to Sections 4, 5 and 7 of the 19671 Act, Section 147 provides no specific procedure to determine whether the occupation is unauthorised and for eviction.
- 12.** Learned counsel places reliance on the order dated October 3, 2016 passed by a co-ordinate bench in the present writ petition to strengthen his arguments. It is submitted that although such findings were *prima facie* in nature, the same could be borrowed for the purpose of deciding the writ petition as well.
- 13.** Learned counsel appearing for the Railway-Authorities submits that Section 2(e) of the 1971 Act clearly defines “public premises”, which are taken on lease or requisitioned or belong to the Central Government. However, the Railways Act categorically confines the operation of the statute to railway property.
- 14.** Entry No.22 of List I of the Seventh Schedule of the Constitution stipulates railways as one of the topic on which the Central Government may legislate exclusively, since List I is the Union List.
- 15.** Hence, it is argued, inasmuch as railway properties are concerned, the 1989 Act is a special statute while the 1971 Act is general in nature.
- 16.** Learned counsel next places reliance on Section 17 of the 1971 Act, which provides for delegation of the power of the Central Government to the State Government. The significance thereof, it is argued, is that the 1971 Act is a general law inasmuch as railway properties are concerned, whereas there is no such provision of delegation under the 1989 Act.

17. On *vires*, learned counsel for the Railways contends that presumption has to be in favour of the Constitutionality of an Act. Modalities of eviction and/or natural justice cannot be read into a statute by the Courts of law.
18. A public purpose is revealed in the impugned notice. The larger public interest would be sub-served in evicting unauthorized occupants from the Railway properties. Hence, such exercise is not mechanical or arbitrary but pertains to a Policy matter. Moreover, there is reasonable classification insofar as the categories of people covered by the notice are concerned. That apart, 30 days' time was provided in the notice for vacating the premises. Hence, it cannot be termed as an arbitrary or mindless exercise.
19. Courts generally do not interfere with the Policy matters of the Executive, it is argued.
20. Learned counsel for the Railways further argues that the argument of violation of Article 14 of the Constitution of India cannot be sustained in law since there was reasonable classification in categorizing the particular types of persons who would be labelled as 'unauthorized occupants' for the purpose of the impugned notice. Moreover, no negative equality can be claimed in law. Hence, such argument of the petitioner, it is contended, is negated.
21. Learned counsel for the Railways argues that the Railways Act, 1989 is a self-sufficient code and provides a complete mechanism for evicting unauthorized occupants upon following due process of law and inquiry. Certain powers of the civil court have also been conferred in that regard on the Railway Authorities. Learned counsel places reliance on Sections 180A to 180D as well as Section 179 of the 1989 Act to argue that the said provisions clearly provide the modality and procedure for undertaking an eviction under the said Act.

- 22.** Learned counsel for the Railways places reliance on a Co-ordinate Bench judgment in *Dhurjyati Prasad Das Vs. Union of India and others*, reported at (2013) 5 CHN 93, a Division Bench judgment of the Bombay High Court in *Arjun Babloo Tukaral Vs. G.V. Javalkar and others*, reported at AIR 1981 Bom 72 and another Co-ordinate Bench decision of this Court in *Subrata Ghosh vs. Union of India and others*, reported at (2019) 2 CHN 62, in support of his proposition that Section 147 is a self-sufficient Code and can be resorted to for undertaking eviction of unauthorized encroachers and occupants on Railway property without taking recourse under the 1971 Act.
- 23.** Learned counsel next cites a Co-ordinate Bench judgment of this Court rendered in *G. Phalaguna and others Vs. The General Manager and others*, reported at (2005) 3 Cal LT 404 (HC). In the said judgment, it was held, inter alia, that in face of the clear and unambiguous provisions of Section 147(2) of the 1989 Act, there is no scope at all to hold that without initiating necessary proceedings against all the occupants of the area under the provisions of the 1971 Act, the Railway Authorities would not be entitled or empowered to evict or remove all or any of such unauthorized occupants. It was further held that neither can the scope of provisions of Section 147(2) of the 1989 Act be enlarged or curtailed, nor can a fundamental right of the unauthorized occupants be canvassed and enforced. The courts must not encourage perpetuation of illegal activities of citizens in the name of protection of their fundamental right under Article 21 of the Constitution, it was held.
- 24.** Learned counsel appearing for the petitioners, in reply, submits that *Dhurjyoti Prasad Das's* case (supra) pertained to an entirely different set of facts than the present case. In the said case, the occupant was a fruit vendor squatting on

the platform of the Railways. The said occupant was unauthorized, whereas the present petitioners are authorized, in view of their rent being accepted at least five years after filing of the writ petition. In paragraph no.19 of the said judgment, it was pointed out that the 1971 Act may be a special statute. Inasmuch as *Arjun Babloo Tukaral's* case is concerned, the same dealt with special class of premises, that is, those occupied by Railway servants. Hence, it could be argued that the 1989 Act operated as a special statute in that case. Section 138 of the old Act of 1989 was equivalent in scope to Section 147 of the present Railways Act, 1989, it is argued.

- 25.** Inasmuch as *Subrata Ghosh's* case is concerned, learned counsel for the petitioner argues that the same relied on *Dhurjyoti Prasad Das* (supra) and, as such, the facts were not interpreted in similar light as in the present case. In the said case, a licensee's son was in unauthorized occupation of the premises, whereas in the present case, the petitioners are lawful lessees. In *G. Phalaguna* (supra), the occupants were unauthorized, as opposed to the present case, where the petitioners are authorized lessees.
- 26.** It is further reiterated that Sections 4 and 5 of the 1971 Act contains specific provisions for issuance of summons and confers on an Estate Officer the powers of a Civil Court in dealing with such proceedings. In the present case, however, Section 147 empowers any and every individual, not only being a railway employee of any level but also any person whom he calls for help, to exercise such uncontrolled power of eviction, which cannot survive the Constitutional test of legality and justness. Learned counsel for the petitioners seeks to analyse the definition of "railway" as given in Section 2(31) of the 1989 Act to propose that the same only relates to properties near the railway tracks

or within the boundary of the compound of a railway track. In the present case, however, it is argued that the disputed property is a bus stand and not in the close vicinity of Railway tracks. Hence, the 1989 Act could not be applied as a special statute inasmuch as the present property is concerned.

- 27.** Thus, learned counsel for the petitioners renews his prayer for setting aside the impugned notice, which does not comply with the provisions of Sections 4 and 5 of the 1971 Act and also submits that Section 147 of the 1989 Act ought to be declared *ultra vires* the Constitution.
- 28.** Thus, the moot questions which fall for consideration in the present case, are as follows:
- (i) Whether an occupant of property belonging to the Railways can be evicted without due process of law and without being given any prior opportunity of hearing, under Section 147 of the Railways Act, 1989.
 - (ii) Whether Section 147 of the Railways Act, 1989 is *ultra vires* the Constitution.
- 29.** Addressing the first question first, we are required to consider the scope of operation of Section 147 of the Indian Railways Act in the context of the scheme of the 1989 Act, as compared to its predecessor statute, the Railways Act, 1890.
- 30.** The said provision appears under Chapter XV of the Act, which has the heading “Penalties and Offences”. In the said Chapter, different penal offences and their punishments with regard to Railways are enumerated.
- 31.** The caption of Section 147 is “Trespass and refusal to desist from trespass”.
- 32.** Section 138 of the Railways Act 1890, however, appears in Chapter X of the Old Act, which has the heading “Supplemental Provisions”. As per Section

138, if a railway servant is discharged or suspended or dies, absconds or absents himself, and he or his family members refuse to deliver up to the Railway Administration any station, dwelling house, office or other building, with its appurtenances, or books, papers etc., any Magistrate of the First Class may, on application may by the Railway Administration, order any Police Officer to enter upon the building and remove any person found therein and take possession thereof and to deliver the same to the Railway Administration.

- 33.** The Section corresponding to Section 138 of the old Act is, in fact, Section 190 of the new Act, which appears under Chapter XVI (Miscellaneous) of the new Act. The caption of Section 138 says “Procedure for summary delivery to railway administration of property detained by railway servant”. The substance of the Section is the same as Section 190 of the 1989 Act, apart from the cardinal distinction that any Metropolitan Magistrate or Judicial Magistrate of the First Class may, on similar application made by the Railway Administration as in Section 138, pass a similar order.
- 34.** However, both the said Sections pertain to illegal continuation in occupation of railway servants and do not affect third party occupiers. It is also relevant that both the said Sections specifically refer to eviction in respect of any building of the railway administration, including a station, office or other building, with its appurtenances.
- 35.** In fact, the Section in the old Act *pari materia* with Section 147 of the new Act is Section 122 of the former. Section 122(1) stipulates that if a person unlawfully enters upon a railway, he shall be punished with fine up to Rs.20/-. Sub-section (2) thereof says that if a person “so entering” refuses to leave the

railway on being requested, he shall be punished with fine up to Rs.50/- and may be removed from the Railway by such servant or other person.

- 36.** Notably, Section 122 of the 1890 Act appears under Chapter IV (Penalties and Offences).
- 37.** Section 147 of the 1989 Act also appears under Chapter XV (Penalties and Offences) of the new Act. However, in contradistinction with Section 122 of the old Act, Section 147 (1) includes an occupant who "...having lawfully entered upon or into such part misuses such property or refuses to leave" to attract the punishment provided in Section 147, including removal of the person.
- 38.** It is noteworthy that in the case of a railway servant overstaying his tenure on a railway property, under Section 190 a judicial authority, that is, the Metropolitan Magistrate or Judicial Magistrate of First Class may, only on an application made by the railway administration, order a police officer to remove any person in unlawful occupation and to take ancillary steps. However, Section 147(2) gives an unbridled power of removal of the occupant to any Railway servant or even any other person (who may not be a Railway servant) whom such Railway servant may call to his aid.
- 39.** Hence, no judicial authority or prior application is required for removal under Section 147 of the 1989 Act.
- 40.** Moreover, the primary punishment for trespass under Section 147 is imprisonment and fine. Sub-section (2) thereof only provides a corollary thereof by way of removal of the trespasser.
- 41.** It is noteworthy that the caption of Section 147 clearly mentions not only trespass but also "refusal to desist from trespass". Hence, the initial entry has to be unlawful; even if the entry itself was lawful, at the juncture of removal,

the person must “desist from trespass”, which signifies that at the point of removal also, his stay must amount to ‘trespass’, due to overstay or whatever other reason. The body of the section puts “misuses such property” and “refuses to leave” on an equal footing to justify removal, which also indicates that the stay at the property must have, after the initial lawful entry, turned unlawful.

42. Moreover, as indicated earlier, Chapter XV of the 1989 Act, in its entirety, deals with penalties and offences. Hence, Section 147 must also be intended by the Legislature to be penal in nature and to stipulate criminal action, removal being merely consequential to the main punishment.
43. The expression “trespasser” has distinct and different shades of connotations in civil and criminal jurisprudence. Whereas ‘trespass’ in criminal law refers to a discrete act inviting penal action as the primary remedy against the accused, and has a whiff of transience, ‘trespass’ in civil law connotes a comparative shade of continuity, that is, a *continuance* in occupation of a property unlawfully, attracting the remedy of eviction as the primary relief against the perpetrator.
44. Even otherwise, since Section 190 pertains only to railway servants, the said Section is not applicable, in any event, in the circumstances of the present case.
45. At the outset, we can eliminate the ratio laid down in the Division Bench Judgment of the Bombay High Court in *Arjun Babloo Tukaral* (supra) for the purpose of the case at hand, since the said judgment was rendered on Section 138 of the old Act, which corresponds to Section 190, and not Section 147, of the new Act.

- 46.** Inasmuch as Section 147 is concerned, apart from the cue available from the Chapter in which it is appearing (Penalties and Offences), Section 179, under the same Chapter, also provides sufficient indication for interpreting the scope of Section 147. Under Section 179(2), the person committing an offence under Section 147 of the 1989 Act is also included, as being subject to arrest, without warrant or other written authority, by an officer authorised by a notified order of the Central Government, as opposed to any Railway servant or any third person called by him.
- 47.** The other provisions which have been clubbed with Section 147 in Section 179(2), for the purpose of arrest without warrant, include Sections 137 to 139, 141 to 146, 153 to 157, 159 to 167 and 172 to 176 of the 1989 Act.
- 48.** If we look into the said other provisions, they primarily pertain to criminal offences and provide for punishment of a penal nature, in consonance with the Chapter-heading "Penalties and Offences". Whereas Sections 137 to 139 deal with travelling without pass or ticket, Sections 141 to 146 deal with offences committed in Railway premises, including drunkenness, nuisance, hawking, begging, unauthorised ticket transfer or ticket business, obstructing Railway servants in discharging duty etc.
- 49.** Sections 150 to 152 primarily deal with damages caused to Railway property or hurting Railway passengers.
- 50.** Section 153 to 157, the next clubbed group, relate to endangering safety, travelling on roof, defacing ticket, etc. Sections 159 to 167 relate to other offences primarily committed on Railway carriages, including disobedience of drivers and conductors, level crossing offences, entering into a female compartment, carrying dangerous goods, smoking, etc.

51. Lastly, Sections 172 to 176, which have also been clubbed with Section 147 in Section 179 of the new Act, speak about intoxication, level crossing offences, etc. similar on footing with Sections 159 to 167.
52. Such association of Section 147 with only other penal Sections, as found in Section 179, further indicates that Section 147 does not deal with unauthorised occupation, which gives rise to disputes of a civil nature for the purpose of eviction, but merely with offences and penalties of a criminal nature.
53. Sections 180, 180A, 180B, 180C and 180D relate to arrest for offences under Section 179, including a Section 147 offence.
54. However, such arrest is permitted not by any Railway official but an authorised person only.
55. Furthermore, the expression used in Section 147 is “any part of a railway”, as opposed to Section 190, which relates to a building or any part thereof.
56. In contradistinction with any building owned by the railway, Section 2(31) of the 1989 Act categorically defines the term “railway”. The closest resemblance with property comes in Clause (a) of sub-section (31) of Section 2, which relates to all lines “within the fences or other boundary marks indicating the limits of land appurtenant to a Railway”. The other sub-sections primarily deal with carriages, Railway equipment, ferries and ships used for the purpose of traffic of the Railway or hired or worked by a Railway Administration, etc. but exclude a tramway wholly within a municipal area and other lines of Railway built in any exhibition ground, etc. designated solely for the purpose of recreation.

- 57.** It is evident from Section 2(31) that, to come within the definition of “railway”, a line has to be appurtenant to a Railway or within the fencing or boundary of a railway which, obviously, pertains to the railway tracks themselves. A broader meaning cannot be lent to the expression “railway”.
- 58.** Seen in such perspective, the justification of Section 147(2) is evident, since the Railways convey goods and citizens across the country and is an essential service. In fact, the railways have often been referred to as the ‘backbone of the Indian economy’. Thus, in order to save the penal clause in sub-section (1) of Section 147 becoming toothless, sub-section (2) also incorporates the essential ancillary right of removal of a trespasser.
- 59.** However, nothing has been provided in the Railways Act specifically in respect of eviction of occupants (unauthorised or otherwise) in buildings which are Railway properties and may or may not be appurtenant to railway tracks or within the compound and in the vicinity of such land, as in the present case. It transpires from the pleadings that the property in dispute is situated near the bus stand and may very well be in the vicinity of the Railway station, but there is nothing to indicate that it falls within the definition of “railway” as provided in Section 2(31) of the 1989 Act.
- 60.** Again, the caption of Section 147 clearly refers to trespass. It is relevant to note that sub-section (1) of Section 147 uses a distinction in unlawful and lawful entry. The exact phrase used for “unlawful entry” is “without lawful authority”, whereas “lawful entries” are defined as “having lawfully entered upon or into such part, misuses or refuses to leave such property”.
- 61.** Hence, the term “authority” is conspicuous by its absence in case of lawful entries. Thus, in case of unlawful entry, the act itself is all-important, but not

the question of authority. Hence, if a person is in 'occupation' or 'possession' of a railway property under lawful authority, unless such authority is lawfully terminated, the occupant cannot be evicted without due process of law.

- 62.** It is by now cliché that even a trespasser of property cannot be evicted there from without due process of law. If law is taken in his own hand by any and every railway employee or any outsider called by him, legitimate and lawful occupants of railway properties can merrily be evicted without due process of law, which is against all tenets of the Rule of Law.
- 63.** Reading Section 147 in its proper perspective, in the context of the scheme of the 1989 Act and the similar provisions in the 1890 Act, it cannot but be said, with utmost humility, that the ratio laid down in *G. Phalaguna* (supra) and repeated in *Dhurjati Prosad Das* (supra) and *Subrata Ghosh* (supra) is *de hors* the law and, hence, in the nature of *per incuriam*. With all due respect to the erudition and legal acumen of the learned Single Judges rendering such judgments, the opinion expressed in the said decisions, in my humble view, is patently contrary to the scheme of Section 147 in the context of the 1989 Act, as juxtaposed with similar provision in the 1890 Act, that is, Section 122 of the latter.
- 64.** If a rational interpretation is lent to Section 147, there is no cause for declaring the same to be *ultra vires* the Constitution, being violative of Article 14 and/or violative of the principle *audi alteram partem*, a cardinal tenet of natural justice.
- 65.** However, if Section 147 is interpreted in terms of the judgments cited by the Railway Authorities, it cannot but be deduced that the said provision would have the potential to create a patent divide between different occupants of

public premises on an illogical and unlawful line of discrimination. Whereas, according to its own sweet will, a railway servant can evict a person under Section 147 of the 1989 Act, even with the help of a third party having no connection with the Railways, Sections 4 and 5 of the 1971 Act (if premises) or the relevant provisions of the West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 (if land) would squarely come into play in respect of 'unauthorised occupants', giving a prior right of hearing to such occupant and adherence to due process of law before a quasi-judicial authority, that is the Estate Officer or Collector, as the case may be, before evicting such person. Such incongruity violates Article 14 of the Constitution, which grants every citizen of India equal protection of law.

66. The next question which falls for consideration is as to that provisions should be resorted to in evicting unauthorized occupants of railway properties.
67. The answer, as indicated earlier, lies in the 1971 and 1962 Acts respectively, in respect of premises and lands as defined in the said Acts. Since those acts are indeed special statutes in respect of unauthorised occupants and the modalities and incidents of their eviction, as opposed to the Railways Act, 1989, which exclusively governs matters relating to Railways, which fall within the Union List of the Seventh Schedule of the Constitution of India.
68. Since there is no special provision for eviction of unauthorised occupants of railway properties not being railway employees within the contemplation of Section 190 of the Railways Act, 1989, particularly those beyond the precincts of the railway tracks, the best available course is to adopt the procedure provided in *pari material* provisions which specifically deal with eviction of

unauthorized occupants in respect of public premises or lands (within the fold of which comes railway properties as well).

69. Hence, in the present case, the respondent-authorities acted palpably without jurisdiction in issuing the impugned general notice dated November 23, 2015 (Annexure P-7 at pages 49 and 50 of the writ petition), granting thirty days' time to all occupants to vacate the premises.
70. Moreover, in the present case, the petitioner has made out a *prima facie* of the Railway-authorities having accepted occupation charges at least till five years after the filing of the writ petition, that is, till the year 2021. Thus, the question has to be dealt with by an appropriate quasi-judicial authority as to whether the Railway-authorities acquiesced the right of occupation of the petitioner, thereby rendering it authorised.
71. That apart, due process of law is required to be followed in the event the railway authorities intend to evict the writ petitioners.
72. Hence, the impugned Notice cannot but be set aside.
73. Hence, the first question posed above is answered in the negative, in the light of the above observations.
74. As far as the second question is concerned, in view of the interpretation attributed to it in the present judgment, Section 147 of 1989 Act stands the scrutiny of Constitutionality and legality and is *intra vires* the Constitution. Thus, the second question is also answered in the negative.
75. However, for the sake of propriety, since three Hon'ble Single Judges of this Court have been cited to have taken a contrary view to that which has been expressed in the present judgment, the matter ought to be referred to a Larger Bench on such issue.

- 76.** Accordingly, let the matter be sent to the Hon'ble The Chief Justice for the limited purpose of constituting a Larger Bench to answer the reference on the following question:

Whether, under Section 147 of the Railways Act, 1989, the Railway Authorities can evict an unauthorised occupant of property owned by the Railways without resorting to the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, alternatively The West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962.

- 77.** Pending such reference, the operation of this order and the impugned Notice dated November 23, 2015 shall remain stayed. Accordingly, the final decision in the present writ petition is also kept in abeyance, awaiting such reference.
- 78.** Liberty is given to the parties to mention the writ petition for enlistment before the appropriate Bench upon the reference being answered.
- 79.** CAN 2 of 2021 is, thus, disposed of accordingly without any order as to costs.
- 80.** Urgent certified copies, if applied for, be issued by the department on compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)