



W.P(MD)No.24453 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24453 of 2023

and

W.M.P.(MD)Nos.20644 & 20645 of 2023

M/s.Shifa Catering,
Represented by its Sole Proprietor,
Mrs.Jemilbanu,
W/o.Mohammed Saleeem,
190, Somasundaram Colony,
Railway Junction Opposite,
Manamadurai,
Sivagangai-630606

... Petitioner

Vs.

The Assistant Commercial Manager/
Senior Divisional Commercial Manager,
Divisional Office,
Southern Railway, Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in U/C79/CATGSTALL/KKD1, SCT, TEN, MPS/MDU PF1, PF 2 and 3 dated 31.08.2023 on the file of the Respondent and quash the same.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.K.Govindharajan
DSGI



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ORDER

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Heard both sides.

2. The petitioner was granted license to run 7 catering stalls. The details are as follows:-

S.No.	Catering Stall Category/ Railway Station	Annual License Fee	License Period	Extension upto	Last Payment of Quarterly License Fee
1.	B Category / Sengottai	Rs.4,31,638/-	22.11.2019-21.11.2024	22.07.2026	12.10.2023
2.	A1 Category/ Madurai PF2/3	Rs.8,62,328/-	12.12.2019-11.12.2024	13.06.2026	28.08.2023
3.	A1 Category/ Madurai PF1	Rs.10,98,328/-	12.12.2019-11.12.2024	08.09.2025	-
4.	B Category/ Karaikudi	Rs.3,12,448/-	23.12.2019-22.12.2024	16.04.2026	12.10.2023
5.	A Category/ Tirunelveli PF4/5	Rs.6,46,388/-	23.12.2019-22.12.2024	18.08.2026	04.11.2023
6.	A Category/ Tirunelveli PF 2/3	Rs.17,00,002/-	17.07.2023-16.07.2028	-	30.10.2023
7.	A Category/ Tirunelveli PF1	Rs.18,61,502/-	21.07.2023-20.07.2028	-	30.10.2023

NOTE:*License fee will be escalated by 10% over previous year license fee for fourth year. License fee for 4th and 5th year will remain the same.*

The petitioner had to pay the annual license fee at one go in advance. The case of the petitioner is that by rider agreement, the petitioner was permitted to remit



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the annual license fee in four quarterly installments. Subsequently, the said facility was withdrawn. Challenging the same, the present writ petition came to be filed.

3. When the matter was taken up for hearing, it had been fairly admitted that in respect of the shops bearing Serial Nos.6 & 7, there is no rider agreement. Therefore, the petitioner has to necessarily clear the balance amount at one go. It is not in dispute that the petitioner had paid the current quarterly fees. On the expiry of the said quarterly period, the petitioner has to necessarily pay the balance fee at one go in respect of the aforesaid two shops shown at Serial Nos.6 & 7. In respect of the remaining 5 shops, it is seen that the quarterly payments have already been made. On the expiry of the said period, the balance amount for the current annual license period shall be remitted at one go.

4. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

15.11.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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