

GAHC010093592024



2024:GAU-AS:10855

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2432/2024

HALADHAR KALITA
S/O LATE ANANTA RAM KALITA, R/O VILL- AITHABOI, CHANGSARI, P.O.
AND P.S.-CHANGSARI, DIST- KAMRUP (R), ASSAM, PIN-781101

VERSUS

THE UNION OF INDIA AND 4 ORS.
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI-11

2:THE INDIAN RAILWAY CATERING AND TOURISM CORPORATION LTD
REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR
REGIONAL OFFICE - 4-D
MANDOVI APARTMENT
AMBARI
G.N.B. ROAD
GUWAHATI-781001

3:THE CHAIRMAN AND MANAGING DIRECTOR
INDIAN RAILWAY CATERING AND TOURISM CORPORATION LTD
NEW DELHI
INDIA
REGIONAL OFFICE - 4-D
MANDOVI APARTMENT
AMBARI
G.N.B. ROAD
GUWAHATI-781001

4:THE REGIONAL MANAGER
IRCTC
REGIONAL OFFICE - 4-D
MANDOVI APARTMENT

AMBARI
G.N.B. ROAD
GUWAHATI-781001

5:THE DIVISIONAL RAILWAY MANAGER (C)
N.F. RAILWAY
RANGIA DIVISION
RANGIA
DIST- KAMRUP (R)
ASSA

Advocate for the Petitioner : MR T H HAZARIKA, D ROY,MR. K ISLAM,MR A RASHID,MR M CHETIA

Advocate for the Respondent : DY.S.G.I., MR H GUPTA,MS N K DEVI (r-2,3,4),MR N ANIX SINGH (r-2,3,4),MR G N SAHEWALLA (r-2,3,4),SC, IRCTC

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT

06.11.2024

Heard Mr. T.H. Hazarika, learned counsel for the petitioner; Mr. P.K. Medhi, learned Central Government Counsel [CGC] for the respondent nos. 1 & 5; and Mr. G.N. Sahewalla, learned senior counsel assisted by Mr. N. Anix Singh, learned Standing Counsel, Indian Railway Catering & Tourism Corporation [IRCTC] for the respondent nos. 2 & 4.

2. Mr. Hazarika, learned counsel for the petitioner has submitted that the possession of the Refreshment Room at Rangia Railway Station has already been taken over by the respondent authorities from the petitioner and the petitioner is not running any business from the said Refreshment Room. Mr. Hazarika has submitted that a competitive bidding process has already been initiated by e-Tender –cum- Auction Notice dated 03.06.2024. He has further submitted that since the Refreshment Room is to be allotted to the successful bidder in the competitive bidding process, the petitioner would not pursue this writ petition. He has also submitted that as the petitioner would be without any space to run his business for livelihood, the petitioner may be allowed to prefer a representation before the respondent

authorities to consider his case for any available and suitable place as per the extant policy of the respondent authorities.

3. Mr. Sahewalla, learned senior counsel appearing for the respondent nos. 2 & 4 has submitted that the competitive bidding process initiated by the e-Tender –cum- Auction Notice dated 03.06.2024 is at the final stage. Since the petitioner is not pursuing this writ petition, Mr. Sahewalla has fairly submitted that the petitioner would be at liberty to prefer an application before the respondent authorities and if such application is filed, the respondent authorities would consider such application as per the extant policy.

4. As the petitioner is not pursuing the instant writ petition, the writ petition is closed.

5. In so far as the prayer of the petitioner that he would submit an application for allotment of an available and suitable place is concerned, liberty stands reserved to the petitioner to submit such application and in the event such an application is filed, the respondent authorities, more particularly, the respondent nos. 2 & 4 shall consider such application on its own merits and as per the extant policy relating to allotment of place. It is, however, made clear that this Court has not made any observation as regards entitlement or otherwise of the petitioner for allotment of any place.

JUDGE

Comparing Assistant