

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13388 of 2009

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Mrs.Renu Devi W/O Late Kumar Arjun Singh R/O Moh- Barbatta Bazar,
P.S- Sonepur In The District Of Saran , Presently Running Dosa & Coffe
Shop At Hajipur , Railway Station , Platform No. 1

.... Petitioner

Versus

1. The Union Of India Through The Chairman, Railway Board, New Delhi
2. The Group General Manager Indian Railway Catering And Tourism Corporation, 3, Koila Ghat Street Ground Floor-2, Kolkata- 700001
3. The Regional Manager East Central Region, Indian Railway Catering And Tourism Corporation, 4th Floor, Biscomaun Bhawan, Patna
4. The Chief Commercial Officer East Central Railway, Hajipur, Bihar
5. The Divisional Railway Manager Sonepur Divison, East Central Railway, Sonepur, Bihar
6. Mrs. Archana Devi W/O Late Nawal Kishore Singh R/O Hajipur Cinema Road, Near State Bank Of India, P.S- Jajipur In The District Of Vaishali (Bihar)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

Mr. Lakshmi Kant Sharma, Adv.

For the Respondent IRCTC: Mr. Mithilesh Kumar Pathak, Adv.

For the Railways : Mr. Madhu prasun, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 30-01-2015 Heard learned counsel for the parties as with regard to the

following relief prayed in this writ application:

“Directions commanding the respondent- authorities, specially respondent no.2 for extending the lease of Spray Cofee, Dosa, Idli, Mineral Water (Stall No. HJP/S-4) at Hajipur for which lease fee upto September 2009 has been paid and accepted by the respondent no.2 and also for not making any allotment of the shop in question in favour of respondent no.6. Alternatively, petitioner prays that the Stall in question be allotted to the petitioner on the rate the respondent no.6 has agreed to get the lease of the said shop.”



Learned counsel for the petitioner submits that while the Indian Railway Catering and Tourism Corporation (IRCTC) was operating the business it had allowed the petitioner to continue with his earlier settlement made by the Railways for running the Stall at Hajipur Railway Junction on its platform but then all of a sudden the authorities of IRCTC having advertised the said Stall for settlement had allotted the same in favour of respondent no.6. He would accordingly submit that when the petitioner is prepared to pay the highest amount offered by respondent no.6 on any other person, this Court should direct the Railways who have now taken over the work being done by the IRCTC to consider and allot the same Stall which was earlier being run by the petitioner.

Mr. Mithilesh Kumar Pathak, learned counsel appearing on behalf of IRCTC, defends the decision of being allotted the Stall in question earlier being run by the petitioner on auction sale and its being settled in favour of respondent no.6. Learned counsel for the Railways says that it is not bound by the decision of IRCTC, inasmuch as now a new scheme of settlement has come and such settlement is to be made as per policy decision of the Railways.

In the considered opinion of this Court the settlement of the petitioner having been cancelled in the year 2009-10 any direction now to the Railways who are successor to the IRCTC

will be wholly uncalled for especially when this Court has been informed of enforcement of new policy of settlement. Nonetheless if the petitioner approaches the authorities of the Railways with its case they would give sympathetic consideration keeping in view the services rendered by the petitioner.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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