

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11101 of 2010

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Bimla Devi, W/O Late N.K.Prasad, R/O Mohalla- Barmasia Jagarnath
Mandir, P.S.& Distt-Katihar

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Railway Government of India, Rail Bhawan, New Delhi
2. North Frontier Railway, through its General Manager having its Office at Maligaon, Guahati
3. The General Manager, North Frontier Railway having its Office at Maligaon, Guahati
4. The Divisional Railway Manager (Commercial), North Frontier Railway having its Office at Katihar Railway Station
5. Sr. Divisional Commercial Manager Katihar Railway Station, Katihar
6. The Chief Commercial Manager (Station) Katihar Railway Station, Katihar
7. The Chief Commercial Inspector, Katihar North Frontier Railway having its Office at Maligaon, Guahati
8. The Indian Railway Catering And Tourism Corporation Ltd. (hereinafter referred to as IRCTC) through its Executive Director, Catering Service having its Corporate Office At 9th Floor , Bank Of Baroda, Building-16, Parliament Street, New Delhi
9. Indian Railway Catering and Tourism Corporation Ltd. Eastern Zone, through the General Manager, Eastern Zone-3, Koyalaghat Street, Ground Floor, Kolkata
10. The Group General Manager, Indian Railway Catering and Tourism Corporation Ltd. Eastern Zone-3, Koyalaghat Street, Ground Floor, Kolkata
11. The Regional Manager, Indian Railway Catering And Tourism Corporation Ltd Guahati having its Office at 4d, Mandobi Apartment, G.N.B.Road, Ambari, Guahati
12. The Manager Catering Services Indian Railway Catering & Tourism Corporation Ltd Guawahati

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha
For the Respondent nos.1to7: Mr. Anil Singh
For the Respondent nos.8to11: Mithilesh Kumar Pathak

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 25-03-2015

Heard.

The petitioner has filed the present writ petition under
Article 226 of the Constitution of India assailing the notice dated



25.11.2009 (Annexure-6) issued by the Manager/Catering Services for IRCTC, Guwahati asking the petitioner to pay the outstanding dues, failing which action shall be taken for evicting the petitioner from the stall(s) from Katihar Railway Station. The petitioner is also aggrieved by another notice dated 30.06.2010 (Annexure-10) issued by the Estate Officer under the provisions of The Public Premises Eviction of Unauthorized Occupant Act, 1971.

It is not in dispute that the petitioner was earlier issued catering licence in the year 1989 for running a stall at Katihar Railway Station, which was valid for five years. According to the petitioner, the aforesaid licence was renewed up to the year 1999. However, those licences have not been brought on record. Apparently, on the dates of issuance of impugned notices, as contained in Annexure-6 and 10, the petitioner was not having any valid licence issued by the Indian Railway Catering & Tourism Corporation Ltd.

The case of the petitioner is being contested by the respondents by filing their counter affidavits. According to the respondents, the Ministry of Railways, Government of India has issued a new Catering Policy, 2010. The aforesaid Catering Policy, 2010 has been brought on record as Annexure-A to the supplementary counter affidavit filed on behalf of the respondent nos.8 to 11. As per Clause 26 of the aforesaid Catering Policy, 2010, all existing operational licences awarded and managed by IRCTC would henceforth be transferred to Zonal Railways. So far fresh licence is concerned, now that has to be issued by the Zonal Railways and not by the IRCTC under the Catering Policy, 2010.

The petitioner has not produced any material to show

that she has either applied for issuance of any fresh licence or for renewal of the existing licence under the new Catering Policy, 2010. Filing of a representation could not be treated as an application under the aforesaid Catering Policy, 2010.

Furthermore, this Court finds that the Annexure-6 and 10 are the notices issued by the competent authority. If the petitioner is at all aggrieved, she must file her show cause before the competent authority with all relevant materials, whereafter that shall be considered in accordance with law. However, the petitioner has not produced any material/document to show that she is having any valid/subsisting licence for running the stall(s) at Katihar Railway Station. Therefore, the action of the respondents cannot be legally faulted.

In above view of the matter, this Court does not find any good ground to interfere with the impugned notices as contained in Annexure-6 and 10. The present writ petition, at this stage, is completely misconceived and is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

Arvind/-

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