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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**WRIT PETITION NO.3603/2015  
WITH  
CIVIL APPLICATION NO.3885/2016**

Railway Canteen Vendors (Vikreta)  
Union, Purna Junction and two others.  
...Petitioners..

**Versus**

Union of India & others.  
...Respondents...

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Shri Milind Patil, Advocate for petitioners.  
Shri P.G. Godhamgaonkar, Advocate for respondent nos.1 to 4.  
Shri Santosh S. Jadhavar, Advocate for applicant –  
Akhileshsingh Dilipsingh Thakur in CA 3885/2016 for  
intervention.

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**WRIT PETITION NO.439/2016**

Shaikh Shakil s/o Shaikh Razzak  
and 11 others.  
...Petitioners..

**Versus**

Union of India and others.  
...Respondents..

Shri Milind Patil, Advocate for petitioners.  
Shri P.G. Godhamgaonkar, Advocate for respondent nos.1 to 4.

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**CORAM: S.V. GANGAPURWALA &  
K.L. WADANE, JJ.**

**DATE: 30.08.2016**

**ORDER :**

1] Writ Petition No.439/2016 is filed against the order dated 21.10.2015 directing the persons concerned not to use any trolley on the platforms. Whereas in Writ Petition No.3603/2015, the order dated 28.2.2015 is assailed whereby the persons named therein were termed as unauthorizedly occupying space on platform Nos.1,2 & 3 and disturbing the movement of passengers, so action of seizing all the trolleys was passed. According to the learned counsel for the petitioners, the petitioner – Union and its members are doing their business on platforms by selling food articles on trolleys. They are small time businessmen. The petitioner – union and its members are doing the said business upon a valid licence. According to the learned counsel for the petitioners, the respondents are duty bound to renew the licence as per the terms and conditions of the policy framed by the Railways. The impugned orders are passed without giving any opportunity of hearing to the petitioners and without

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assigning any reasons thereto.

2] The learned counsel for the petitioners submits that the respondents did not have any authority to pass such orders. Even the same is accepted by the respondent nos.1 to 3 in Writ Petition No.439/2016 under their affidavit in reply.

3] Learned counsel for the respondents submits that since 2011, policy decision is being taken to reduce the congestion on the platforms and so to remove the trolleys. Because of the unauthorized and illegal acts conducted by the petitioner – union and its members, the orders impugned in the present petitions were required to be passed. No illegality is committed by the officers of the respondents.

4] Though the learned counsel for the respective parties have also canvassed their submissions on other aspects of the matter with regard to the catering policy 2010, we are not going into merits and de-merits of the said arguments, as we find that the impugned orders are passed without affording an opportunity of hearing to the petitioners and the affected persons.

5] In Writ Petition No.439/2016, by one line order, the

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contractor of canteen is instructed not to use any trolleys on the platforms. The said order is passed without assigning any reason.

6] In fact, the reasons are must when any order, more particularly an adverse order, is passed, which has further consequences. Reasoning now a days is even considered as a third pillar of principles of natural justice. Apart from the fact that the said order is bereft of any reasons, the same is also without any notice to the petitioners.

7] The order impugned in Writ Petition No.3603/2015 is also without issuing any notice to the petitioners. An order, which is against the cardinal and fundamental principles of natural justice cannot be sustained.

8] In the light of the above, the impugned order dated 12.10.2015 in Writ Petition No.439/2016 and the impugned order dated 28.2.2015 in Writ Petition No.3603/2015, are quashed and set aside.

9] The respondents are at liberty to take action in accordance with law if they so choose after notice to the petitioners and after giving opportunity to the petitioners to file their reply.

10] We have not considered the aspect about the licence being in existence or otherwise nor we have considered about the right of the petitioners to claim renewal of licence as it was not disputed by the respondents that the petitioners were carrying on the business on their trolleys. The respondents, if they receive any application for renewal, shall consider and take decision upon it in accordance with law and as per their policy.

11] Writ petitions are accordingly disposed of. There shall be no order as to costs.

12] In view of disposal of writ petitions, Civil Application No.3885/2016 for intervention in Writ Petition No.3603/2015 also stands disposed of.

**(K.L. WADANE, J.)**

**(S.V. GANGAPURWALA, J.)**