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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.3391 OF 2016

Mr. Ashwin Jaya Shetty	... Petitioner
Versus	
Union of India and Ors.	... Respondents

WITH

WRIT PETITION (L) NO.3392 OF 2016

Jayanti Jaya Shetty	... Petitioner
Versus	
Union of India and Ors.	... Respondents

WITH

WRIT PETITION (L) NO.3394 OF 2016

Jaya N. Shetty	... Petitioner
Versus	
Union of India and Ors.	... Respondents

Mr. Vaneet Khosla a/w Mr. P.G. Sawant for the Petitioners.
Mr. T.J. Pandian for the Respondent in all matters.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 22nd DECEMBER, 2016

PC.

. **Not on board. Taken on board.**

1 **Forthwith taken up for final disposal. The Petitioners in
these three Petitions have been granted license by the Central Railway**

to carry on business in the premises of the Central Railways. Agreements have been executed of license in May/June, 2016 in these three cases. The license is upto 31st March, 2017 in these three cases.

2 The grievance in these Petitions under Article 226 of the Constitution of India is that in November, 2016 without following due process of law, the shops subject matter of these three Petitions have been sealed.

3 The case made out by the Petitioners in these Petitions based on documents annexed is that license fee as per the agreements upto 31st March, 2017 has been paid by the Petitioners. This statement is substantiated by the documents annexed to the Petition.

4 In our view, without following due process of law, the premises subject matter of license could not have been sealed by the Central Railway. The Panchanamas annexed to the Petition show that the premises were sealed and the material lying inside was handed over to the Petitioners.

5 Admittedly, no due process of law has been followed before sealing the premises. Effect of sealing of the premises is that the Petitioners have been dispossessed without following due process of law.

6 The learned counsel appearing for the Central Railway administration submits that the Petitioners are guilty of committing several breaches of the terms and conditions on which license has been granted. Moreover, he states that the premises are required for the Railways for the construction of emergency medical rooms and parking of ambulance.

7 Firstly, we are of the view that the Petitioners could not have been dispossessed without following due process of law. Secondly, if there was absolute necessity, the Railways could have offered some other premises to the Petitioners on same terms and conditions for the unexpired period of license.

8 Therefore, the action of sealing premises is completely illegal and the seal will have to be removed by the Railways.

9 The learned counsel appearing for the Railways submits that the Railways may be permitted to adopt due process of law.

10 Accordingly, we dispose of the Petition by passing the following order :-

ORDER

- (i) Seal put by the Central Railways on the premises of the Petitioners subject matter of the Petition shall be

removed within a period of three days from today;

- (ii) After the seal is removed, it will be open for the Railways to adopt due process of law for evicting the Petitioners;
- (iii) In the event the Railways require the premises for construction of emergency medical rooms and for parking of ambulance, it will be always open for the Central Railway to offer some other premises to the Petitioners for unexpired period of license subject to right of the Railways of taking action of eviction even as regards the said premises for the breaches allegedly committed by the Petitioners;
- (iv) The Petitions are disposed of on above terms;
- (v) All concerned to act upon an authenticated copy of this order;
- (vi) We make it very clear that we have made no adjudication as regards the breaches allegedly committed by the Petitioners.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)