

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5233/2013

Shri Munneshwar s/o Raghuvir Prasad Shahu
...Versus...

Union of India, through Chairman Railway Board, New Delhi and another

WITH

WRIT PETITION NO.5242/2013

Shri Rajkumar Radheshyam Sharma
...Versus...

Union of India, through Chairman Railway Board, New Delhi and another

WITH

WRIT PETITION NO.5294/2013

Ramakbal Shivnath Mishra
...Versus...

Union of India, through Chairman Railway Board, New Delhi and another

WITH

WRIT PETITION NO.5462/2013

M/s Suresh Goyal, Proprietorship Company, through its Proprietor Shri Suresh
Ramavatar Goyal

...Versus...

Union of India, through Chairman Railway Board, New Delhi and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Kilor, Advocate for petitioner in all petitions
Shri Nitin Lambat, Advocate for respondents in all petitions

**CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.
DATE : 31.08.2016**

Since the issue involved in these writ petitions is identical and since similar prayers are made therein, they are heard together and are decided by this common order.

By these writ petitions, the petitioners have sought a direction against the respondents to consider the applications of the petitioners for renewal of their licences for vending stalls - trolleys on the platforms of the Central Railway Stations, as per the Catering Policy of 2010.

Shri Kilor, the learned Counsel for the petitioners states that the issue involved in these writ petitions was also involved in Writ Petition No.1770/2016 and this Court has by the judgment, dated 4.8.2016 allowed the writ petition and had set aside the tender notice that was impugned in the said petition. It is stated that by the said judgment, this Court had directed the respondents to decide the application filed by the petitioner for renewal of the vending licence in the Railway Station within three months after permitting the petitioner to file an affidavit within a period of fifteen days that the petitioner does not have any other vending licence. It is stated that in some of these writ petitions, the petitioners are having more than one vending licences and in view of the judgment, reported in **(2016) 3 SCC 582**, the petitioners are ready to retain only one licence and give up the others. It is stated that an appropriate affidavit stating the aforesaid fact would be submitted to the respondent – authority within fifteen days. It is stated that on parity, a similar order,

directing the respondents to decide the renewal applications of the petitioners, within a period of three months, may be passed.

Shri Lambat, the learned Counsel for the respondents does not dispute the factual statements made on behalf of the petitioners. It is stated that if the petitioners tender an affidavit surrendering their other vending licences and inform the respondents about the retention of only one licence, their applications for renewal would be considered within three months, as directed by this Court in the other decided writ petition.

By accepting the statements made on behalf of the parties and for the reasons recorded in the judgment, dated 4.8.2016 in Writ Petition No.1770/2016, we allow these writ petitions. The tender notices are hereby quashed and set aside, so far as they relate to the vending licences of the petitioners. The petitioners should file an affidavit within a period of fifteen days, stating therein that they are in possession of only one licence and/or they would surrender the other licences and retain only one, if they have more than one licences. If such an affidavit is tendered by the petitioners within fifteen days, the respondents should decide the applications for renewal, within three months.

Order accordingly. No costs.

JUDGE

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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