

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.29741 to 29745 of 2016

And

W.M.P.Nos.25720 to 25724 of 2016

M/s.Balan Natural Food (P) Limited
Rep by its Sales Manager

... Petitioner in all W.Ps.

Vs.

- 1.The Chief Commercial Manager
Southern Railway, Headquarters Office,
Park Town,
Chennai 600 003.
- 2.The Deputy Chief Commercial Manager/PA/MAS
Southern Railway, Headquarters Office,
Commercial Branch,
Park Town, Chennai 600 003.
- 3.The Senior Divisional Commercial Manager/MAS
Chennai Division, DRM (C)'s Office,
Commercial Branch (Catering)
Park Town, Chennai 600 003.

... Respondents in all W.Ps.

Prayer in W.P.No.29741 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith grant extension of licence to the Petitioner to continue to operate and carry on business in running its Automatic Vending

Machine on the Platform No.4 & 5 at Katpadi Railway Station, till fresh contracts as per the decision of the Railway Board are awarded and the same take effect.

Prayer in W.P.No.29742 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith grant extension of licence to the Petitioner to continue to operate and carry on business in running its 3 nos. of Automatic Vending Machines at Chennai Central Railway Station Platform No.10/11, Post No.17/18, Platform No.4/5, Post No.4/5 and Platform No.6/7, Post No.15/16, till fresh contracts as per the decision of the Railway Board are awarded and the same take effect.

Prayer in W.P.No.29743 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith grant extension of licence to the Petitioner to continue to operate and carry on business in running its Automatic Vending Machine on the Platform No.1 & 2 at Guindy Railway Station, till fresh contracts as per the decision of the Railway Board are awarded and the same take effect.

Prayer in W.P.No.29744 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith grant extension of licence to the Petitioner to continue to operate and carry on business in running its 3 nos. of Automatic Vending Machines at Moore Market Complex Railway Station, viz. (i)

Near Reservation Office, (ii) Platform No.13, near Pepsi Stall and (iii) in Concourse, till fresh contracts as per the decision of the Railway Board are awarded and the same take effect.

Prayer in W.P.No.29745 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith grant extension of licence to the Petitioner to continue to operate and carry on business in running its Automatic Vending Machine on the Platform No.4 & 5 at Jolarpet Railway Station, till fresh contracts as per the decision of the Railway Board are awarded and the same take effect.

For Petitioner : Mr.A.R.L.Sundaresan
Senior Counsel
Ms.AL.Ganthimathi
For Respondents : Mr.P.T.Ramkumar

COMMON ORDER

By consent, these writ petitions are taken up for final disposal.

2.Mr.A.R.L.Sundaresan, learned Senior Counsel assisted by Ms.AL.Ganthimathi, learned counsel appearing for the petitioner would submit that in the light of the various orders passed by the third respondent in granting extension period of licence, till a policy decision is taken, the petitioner may be allowed to continue the operation of the Automatic Vending Machines as it is also for the benefit of the travelling public and prays for appropriate orders.

3.Per contra, Mr.P.T.Ramkumar, learned Standing Counsel who accepts notice on behalf of the respondents would submit that admittedly, it is only a licence and the petitioner as a matter of right cannot claim such a privilege and also drawn the attention of this Court to the order dated 05.05.2016 made in Writ – C No.20519 of 2016 (DB) – M/s.Surya Food and Agro Limited and another Vs. Divisional Railway Manager NCR and six others and would submit that in similar facts and circumstances, the First Bench of Allahabad High Court declined to grant such a relief and infact, dismissed the writ petition and would further add that the petition submitted by the petitioner to the first respondent will be forwarded to the third respondent and the said Official will pass appropriate orders, in accordance with law, within a short period of time.

4.This Court has considered the rival submissions.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the first respondent to forward the petitioners representation dated 21.07.2016 to the third respondent, forthwith and the third respondent on receipt of the same, is directed to consider the said

representations, in accordance with law and pass orders, within a period of one week thereafter and communicate the decision taken, to the petitioners.

6. These writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

26.08.2016

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Index: Yes/ No
Internet: Yes/ No

Note: Issue order copy on 30.08.2016

To

1. The Chief Commercial Manager
Southern Railway, Headquarters Office,
Park Town,
Chennai 600 003.
2. The Deputy Chief Commercial Manager/PA/MAS
Southern Railway, Headquarters Office,
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M.SATHYANARAYANAN,J.
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