

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.36849 to 36852 of 2016 and
WMP Nos.31668 to 31675 of 2016

B.Abbas .. Petitioner in W.P.Nos.36849
to 36852 of 2016

Vs.

1.The General Manager
Southern Railway,
Park Town, Chennai - 600 003

2. The Senior Divisional Commercial Manager
Southern Railway, Chennai Division,
Chennai - 600 003

3. The Divisional Commercial manager,
Southern Railway, Chennai Division,
Commercial Branch,
Chennai - 600 003

.. Respondents in W.P.Nos.36849
to 36852 of 2016

PRAYER in W.P.No.36849 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in No.M/C.79/GMU/S-33 TRT dated 21.09.2016 issued by the 3rd respondent and to quash the same and forbearing the 1st and 2nd respondents terminating license in respect of catering stall S-4 Chennai Central.

PRAYER in W.P.No.36850 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in No.M/C.79/GMU/S-33 / TRT dated 21.09.2016 issued by the 3rd respondent and to quash the same and forbearing the 1st and 2nd respondents terminating license in respect of Catering Stall S-21 Chennai Central.

PRAYER in W.P.No.36851 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in No.M/C.79/GMU/S-33 / TRT dated 21.09.2016 issued by the 3rd respondent and to quash the same and forbearing the 1st and 2nd respondents terminating license in respect of Catering Stall S-8 Chennai Central.

PRAYER in W.P.No.36852 of 2016: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in No.M/C.79/GMU/S-33 / TRT dated 21.09.2016 issued by the 3rd respondent and to quash the same and forbearing the 1st and 2nd respondents terminating license in respect of Catering Stall S-89 Chennai Central.

For Petitioner : Prof.M.Udaya Bhanu

For Respondents : Mr.P.T.Ramkumar
Senior Counsel for Railway

C O M M O N O R D E R

By consent, the Writ Petitions are taken up for disposal at the stage of admission itself. Since the issue involved in all these petitions are one and the same, they are taken up together and a common order is passed.

2. According to the petitioner, he was the licensee in respect of the stall of the railway for more than five years. Admittedly, he has participated in the auction. In the meanwhile without taking into consideration the earlier Writ Petition which was pending, the respondents have asked the petitioner to remove the structure put up by him immediately.

3. The learned counsel for the respondents on instructions would submit that the petitioner himself has participated in the auction and the results have not been declared so far. He would further submit that when the petitioner has participated in the auction, he should always remove the construction especially the sheds and those which are all put up by him without necessary permission. He would further submit that license period of the petitioner's stalls have already been expired on 31.05.2016 and that as per regularisation, the petitioner is entitled for only two shops and even by the writ petitions it is clear that the petitioner owns four shops.

4. Admittedly, in the earlier Writ Petition, there was no interim order in so far as removal is concerned. Even otherwise a notice asking the petitioner to remove the construction put by him has been sent to him by granting sufficient time.

5. At this stage, the learned counsel for the petitioner states that the petitioner undertakes to remove the structure put up by him in respect of stalls for which he has not participated in the auction immediately. He would also submit that in so far as the stalls for which the petitioner has participated in the auction, he is ready to remove the structure, if he is not a successful bidder immediately after the bid is completed.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the submissions made on either side and recording the submission made by the learned counsel for the petitioner, these Writ Petitions are disposed of by issuing following directions:-

(i) The petitioner is directed to remove the structure put up by him within a period of one week from today in respect of the stalls for which he has not participated in the auction.

(ii) Insofar as the stalls for which the petitioner has participated in auction, he is directed to remove the structure within a period of one week from the date on which the tender results are published, if he is not a successful bidder. Consequently, connected Miscellaneous Petitions are closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The General Manager

Southern Railway,

Park Town, Chennai - 600 003

2. The Senior Divisional Commercial Manager

Southern Railway, Chennai Division,

Chennai - 600 003

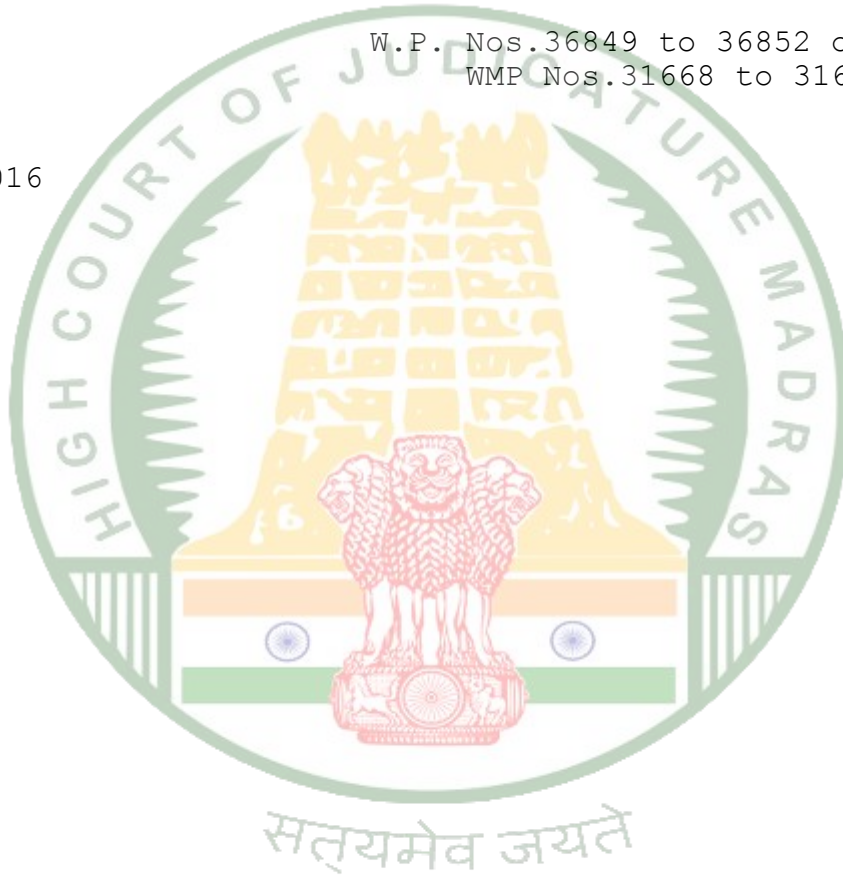
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3. The Divisional Commercial manager,
Southern Railway, Chennai Division,
Commercial Branch,
Chennai - 600 003

+1 cc to Mr.P.T.Ramkumar Advocate sr 60042
+4 ccs to Prof M. Udhaya Bhanu Advocate
sr nos.59763 to 59766

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