



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.22158 of 2016

and

W.M.P (MD) Nos.15864 to 15866 of 2016

M.Abdul Majeeth

... Petitioner

Vs.

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

2.The Senior Divisional Manager
(Commercial), Southern Railways, Madurai.

3.The Divisional Commercial Manager,
Divisional Office, Commercial Branch,
Southern Railway, Madurai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for impugned Tender Notice in No.U/C/79/Catg/GMU/2/Tender/ 2016-2017 dated 01.11.2016 issued by the 3rd Respondent and following letter in U/C 79/F&FJ/DG dated 02.11.2016 issued by the 3rd Respondent and quash the same and consequently directing the 2nd and 3rd Respondent to grant renewal of petitioners license for continued period of next three years from 31.10.2016 to run the Fruit and Fresh Juice Stall No.13 at Dindigul Railway Station based on the catering policy 2010 by considering the petitioner's representation dated 22.08.2016 and 24.09.2016.

For Petitioner

: Mr.R.Narayanan

For Respondents

: Mr.S.Manohar

ORDER

Challenging the tender notification issued by the third respondent, dated 01.11.2016 calling for tenders for granting licence for catering unit in respect of Sl.No.5, fruit and fresh juice stall No.13, in Dindigul Railway Station, the present writ petition has been filed.

2.Heard Mr.R.Narayanan, learned counsel appearing for the petitioner and Mr.S.Manohar, learned counsel for the respondents.

3.According to the petitioner, originally, he was issued with a licence to run a shop in Dindigul Railway Station in the year 2008, initially for a period of five years and subsequently, the same was renewed up to 31.10.2016. It is stated that the petitioner is regularly paying all the licence fees and as on date, there is no remarks against him. According to the petitioner, as per the new catering policy of the Ministry of Railways, 2010, the petitioner is entitled for further renewal for a period of another three years. Hence, he made an application before the second respondent on 22.08.2016 and sought for renewal for another period of three years as per the said policy. The third respondent, without considering the above application for



renewal, brought the above said shop in the tender notification Challenging the same, the present writ petition has been filed.

4.Learned counsel appearing for the petitioner would submit that as per the new catering policy of the Railways dated 21.07.2010, the petitioner is entitled for renewal for a further period of three years.

In similar circumstances, the Hon'ble Supreme in Senior Divisional Commercial Manager Vs.S.C.R.Caterers reported in (2016) 3 SCC 582 has held that existing lessees are entitled for renewal. Therefore, the petitioner applied for renewal, without considering the same, the third respondent mechanically included the above said shop in the tender notification.

5.Mr.S.Manohar, learned counsel appearing for the petitioner would submit that the petitioner already vacated the shop and handed over the possession to the respondents and after vacating the shop, he has no right to seek for renewal.

6.At this juncture, learned counsel appearing for the petitioner would submit that the petitioner was compelled to vacate the shop after expiry of the licence period.

7.In the above circumstances, without going into the contentions raised on either side and considering the fact that the application for renewal is pending before the second respondent, the second respondent is directed to consider the application of the petitioner for renewal dated 22.08.2016 in the light of the new catering policy of Ministry of Railways, 2010 and the judgment of the Supreme Court in S.C.R.Caterers's case (supra), and pass appropriated orders, within a period two weeks from the date of receipt of a copy of this order. Till such time, the third respondent is directed not to proceed with the tender in respect of the above said shop.

9.The writ petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.15864 to 15866 of 2016 are closed.

Sd/-

Assistant Registrar[Records]

/True copy/

Sub Assistant Registrar

sms

TO:

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

2.The Senior Divisional Manager
(Commercial), Southern Railways, Madurai.

3.The Divisional Commercial Manager,
Divisional Office, Commercial Branch,
Southern Railway, Madurai.

1CC TO MR. R. NARAYANAN, ADVOCATE SR: 72641

MSM GSV PM SAR 3 - 2P 5C

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