

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A.No.1645 of 2017
and
C.M.P.No.21374 of 2017

S.Rabik Raja

... Appellant

Vs.

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

2.The Chief Commercial Manager
Southern Railway
Central Branch, Park Town
Chennai - 600 003.

3.The Senior Divisional Commercial Manager
Southern Railway
Central Branch, Park Town
Chennai - 600 003.

... Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent Act against the order dated 22.11.2017 made in W.P.No.29926 of 2017.

WP.No.29926/2017 dt.22.11.2017:Writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus, calling for the records relating to the proceedings of the Impugned order No.M/C.79/CS/ S-14/ CGL dated 10.11.17 on the file of the 3rd respondent and quash the same and further directing the respondents to renew petitioner license in respect of the catering stall in Stall No.MAS/ S14 at Chengalpattu for a further period of 3 years.

For Appellant : Mr.J.Anthony Jesus
For Respondents : Mr.P.T.Ramkumar

JUDGMENT

(Judgment of the Court was made by RAJIV SHAKDHER, J)

1. This is an appeal preferred against the judgment of the learned Single Judge, dated 22.11.2017.

2. The appellant, before us, is the original writ petitioner. In the writ petition, the appellant had sought the following directions:

"...to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order No.M/C.79/CS/S-14/CGL dated 10.11.2017 on the file of the 3rd respondent and quash the same and further directing the respondents to renew my license in respect of the catering stall in Stall No.MAS/S14 at Chengalpattu for a further period of 3 years..."

3. Admittedly, the appellant was initially granted a license for running a catering stall at Chengalpattu railway station for a period of five (5) years, which was renewed for a further period of three (3) years.

3.1. Furthermore, concededly, the appellant had been running four (4) stalls, despite the renewal period coming to an end. It is because the possession of the subject catering stall was taken over by the respondents on 13.11.2017 that the appellant decided to institute the present writ petition.

4. Counsel for the appellant says that while he may not have a case for renewal, the appellant should be allowed to run the subject catering stall, till such time, the respondents call for fresh tender.

5. Mr.P.T.Ramkumar, who appears for the respondents, on advance notice, says that any such a direction would not only create administrative difficulties but would also lend uncertainty as officers concerned who are posted in various divisions would not know how to proceed in the matter where license has expired. It is the learned counsel's submission that in this particular case, possession of the subject catering stall having, admittedly, been taken and given the fact that the respondents were, already, in the process of calling for fresh tenders any intercession by the Court at this juncture would impact public interest.

5.1. Furthermore, the learned counsel says that if possession is not given immediately, the respondents would have difficulty in reclaiming the possession of the subject catering stall and handing over the same to the successful bidder as the incumbent invariably creates impediments in handing over possession.

6. Having regard to the aforesaid facts and circumstances, we are of the view that the aforesaid plea of the appellant cannot be entertained. We find no error in law or on facts in the view taken by the learned Single Judge. We must, however, indicate to the respondents that since the public revenues and convenience is involved, they should take, at the earliest, a decision with regard to whether or not they intend calling for a tender vis-a-vis the subject catering stall.

7. Accordingly, given the aforesaid circumstances, the appeal is dismissed. The respondents are directed to expedite the decision with regard to the tendering, as indicated above. Consequently, the connected pending application shall stand closed. There shall, however, be no order as to costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

To

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

2.The Chief Commercial Manager
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3.The Senior Divisional Commercial Manager
Southern Railway
Central Branch, Park Town
Chennai - 600 003.

+1cc to M/s.J.Antony Jesus, Advocate SR.No.88578
+1cc to Mr.P.T.Ramkumar, Standing Counsel SR.no.88046

AD(CO)
sm:9.1.2018

W.A.No.1645 of 2017