

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.29926 of 2017
and

WMP.Nos.32432 to 32434 of 2017

S.Rabik Raja
S/o.Sheiku

... Petitioner

vs.

1.The General Manaer
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:

Writ Petition filed under Article 226 of 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 10.11.2017 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.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.P.T.Ramkumar
standing counsel

O R D E R

This writ petition is filed challenging the order of

the third respondent dated 10.11.2017, wherein and whereby the petitioner's request for renewal of licence to run the catering stall at Chengalpattu Railway Station has been rejected. Consequently, the petitioner was called upon to hand over the catering stall on 13.11.2017. Apart from challenging the above said impugned order, the petitioner also seeks for a direction to the respondents to renew his licence in respect of the said catering stall for a further period of 3 years.

2. Mr.P.T.Ramkumar, learned standing counsel takes notice for the respondents.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

4. According to the petitioner, he is running a catering stall all these years by paying periodical licence fee to the Railways and therefore, there will be no impediment for the Railways to renew the licence for a further period of 3 years. It is also stated that the renewal request was rejected without considering the above averments and also without assigning any other reason.

5. Per contra, the learned counsel for the respondents submitted that the original licence given to the petitioner was for a period of 5 years and the same was subsequently, renewed for another 3 years. He further submitted that the petitioner is not entitled to seek for further renewal of 3 years in view of the policy decision taken by the Railways, more particularly, when the fact remains that the petitioner is running 4 catering stalls in his name and therefore, he cannot plead any equity. He further submitted that when the stall is brought for auction, it is open to the petitioner to participate and therefore, the interest of the petitioner is not going to be prejudiced in any manner.

6. The learned counsel for the petitioner submitted that at least, till the conducting of the auction, the petitioner may be permitted to run the said stall.

7. The said request is opposed by the learned counsel for the respondents by contending that the possession of the stall has already been taken on 13.11.2017 itself.

8. Upon hearing the learned counsels on either side and perusing the materials placed before this Court, it is evident that the petitioner was granted with a licence for a period of 5 years and subsequently, granted with renewal

of the said licence for a period of 3 years. It is not in dispute that the petitioner is running more than one stall, which according to the respondents numbering 4 stalls. Needless to say that renewal of licence is not a matter of right, unless such right is conferred in the contract entered between the parties themselves. In any event as it is stated by the learned counsel for the respondents that the petitioner was already granted a renewal and there is no provision for granting further renewal more than once, I do not think that the petitioner can seek any indulgence from this Court, by filing the present writ petition, more particularly, when it is stated that the petitioner is running four such stalls. Accordingly, I find no merits in this writ petition and thus, the same is dismissed. However, it is open to the petitioner to participate in the fresh tender as and when, it is called for. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

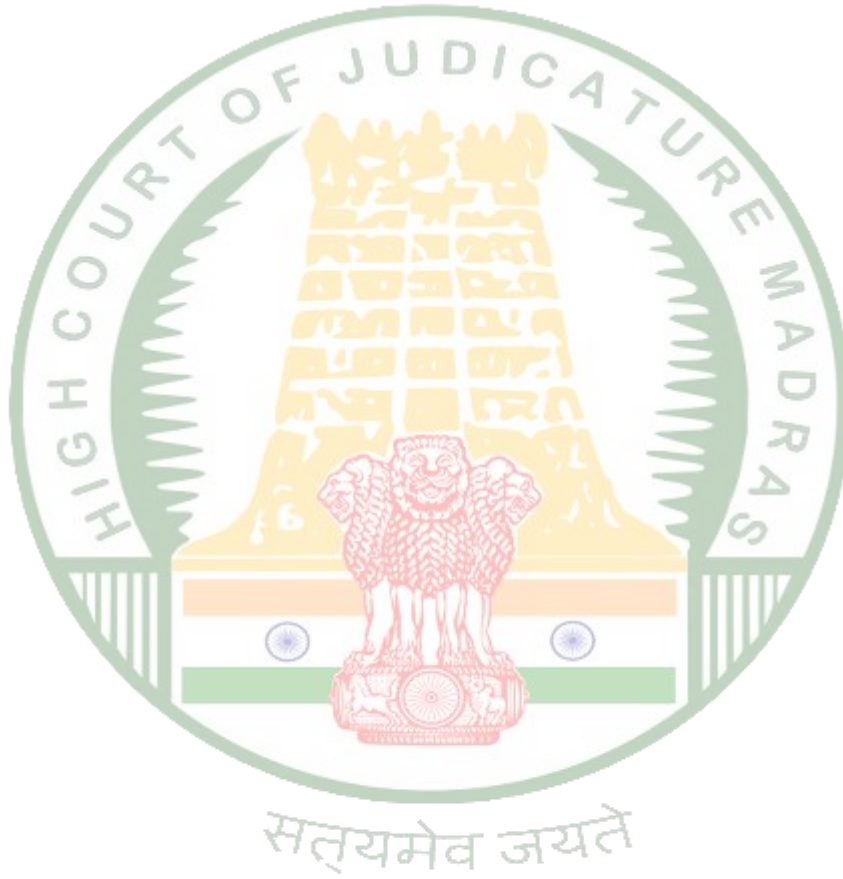
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+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.83481
+1cc to Mr.J.Antony Jesus, Advocate, S.R.No.82838

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MR (CO)

RRK (29/11/2017)



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