

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.7839 of 2017

and

WMP.No.8570 of 2017

P.K.Amina

W/o.A.K.Hamza

.. Petitioner

Vs.

1.The Divisional Railway Manager
Southern Railway, Salem Division
Salem - 636 005.

2.The Senior Divisional Commercial Manager
(Coordination)
Southern Railway, Salem Division
Salem - 636 005.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus, to quash the order passed by the 2nd respondent dated 08.03.2017 and direct the respondents to renew the license regarding the stall (SA/SMU/04) in Platform No.3/4 at Erode Junction Railway Station in compliance with Circular No.22/17.

For Petitioner : Mr.S.Rajendra Kumar

For Respondents : Mr.P.T.Ram Kumar
standing counsel

O R D E R

The petitioner is aggrieved against the order passed by the second respondent dated 08.03.2017, wherein and whereby the request of the petitioner for renewal of licence of Catering Stall at Erode Railway Station was rejected as per the Catering Policy 2017.

2. The case of the petitioner is that the above said shop is the only source of livelihood and therefore, unless renewal is granted to her, she will not be in a position to earn for her livelihood.

3. The learned counsel for the petitioner submitted that in view of the order passed by the Hon'ble Supreme Court in Civil Appeal Nos.618-620 of 2016 dated 29.01.2016, the petitioner is entitled to get the renewal of the licence.

4. On the other hand, the learned counsel for the respondents submitted that the claim of the petitioner is without any bonafide in view of the fact that the petitioner was originally granted licence for a period of 5 years commencing from 23.03.2009 and thereafter, extension was further granted for a period of 3 years commencing from 23.03.2014. Therefore, he submitted that the petitioner has already enjoyed the benefit of extension and now, since the Railway Department has decided to let the shop for fresh lease, by way of public auction, the petitioner is not entitled to seek further renewal as a matter of right. It is also pointed by the learned counsel for the respondents that the petitioner's husband is having 9 stalls in the same division and therefore, the claim of the petitioner, as though she depends only on the shop for her livelihood, is without any bonafide.

5. Though the learned counsel for the petitioner sought to contend that the petitioner and her husband is living separately, this Court, is not inclined to entertain the claim of the petitioner for renewal, on the sole reason, that the renewal once granted cannot be sought for again, as a matter of right, more particularly, when the petitioner's husband is having 9 Catering Stalls in the same Division, which has been considered by this Court in another writ petition filed by the very same petitioner in WP.No.7001 of 2017 dated 22.03.2017. Moreover, I myself has rejected the same request made by the similarly situated person in WP.No.29926 of 2017 dated 22.11.2017 and the said order was confirmed by the Division Bench of this Court in WA.No.1645 of 2017 dated 11.12.2017. Therefore, I find no merits in this writ petition. Accordingly, the writ petition fails and the same is dismissed. The learned counsel for the petitioner at this juncture submitted that it may be clarified that the dismissal of this writ petition will not disentitle the petitioner from taking part in the auction, in case the Railway Department brings the shop for public auction in future. Needless to say that this order is confined

only with regard to the request of the petitioner for renewal as a matter of right and not with regard to her entitlement to take part in the future auction proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Divisional Railway Manager
Southern Railway, Salem Division
Salem - 636 005.
 - 2.The Senior Divisional Commercial Manager
(Coordination)
Southern Railway, Salem Division
Salem - 636 005
- + 1 cc to Mr.P.T. Ramkumar, Advocate Sr.3153
+ 1 cc to Mr. N. Noor Ahmed Khan, Advocate Sr.3740
+ 1 cc to Mr. S. Rajendrakumar, Advocate Sr.3164

W.P.No.7839 of 2017

(CS-VII)
EU(03/02/2018)

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