

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2018

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.11807 of 2018

and

W.M.P.No.13789 of 2018

M.Raja

.. Petitioner

vs.

1.The Senior Divisional Commercial
Manager, Southern Railway,
Trichy Division, Trichy.

2.The Station Superintendent,
Office of Station Manager,
Southern Railway, Ariyalur,
Ariyalur District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first respondent herein to renew the petitioner's license as per circular issued by the Ministry of Railways in Circular No.22 of 2017 dated 15.03.2017 by following the Hon'ble Supreme Court judgment reported in 2016 (3) SCC 582.

For Petitioner : Mr.R.Gokulakrishnan

For Respondents : Mr.P.T.Ramkumar

ORDER

The petitioner herein, who is a licensee under the Southern Railway to run fruit stall in the platform of Ariyalur Railway Station, is before this Court seeking indulgence of this Court to issue a writ of mandamus directing the first respondent/Senior Divisional Commercial Manager, Southern Railway to renew the petitioner's license as per the circular issued by the Ministry of Railways in Circular No.22 of 2017 dated 15.03.2017 by following the dictum of Honourable Supreme Court in Senior Divisional Commercial Manager and Others Vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association and Another (2016 (3) SCC 582).

2.From the affidavit and the typed set of papers, this Court finds that the petitioner herein, as a lessee since 2013, is carrying on fruit vending business in the platform of Ariyalur Railway Station, Southern Railway. His term of license expired on 28.02.2018 and notice has been issued only on 16.03.2018 to close down the shop, remove all his belongings and hand over the key. The petitioner, on receipt of the said notice, had made a representation on 09.04.2018 to the Senior Divisional Commercial Manager, Southern Railway, who is the first respondent herein to renew his license following the norms laid down by the Railways and as per the order of the Supreme Court cited supra.

3.The contention of the petitioner is that the first respondent has not passed any order on his representation and therefore, he must be directed to renew the license. In support of his submission, learned counsel would also circulate the unreported judgment of Madurai Bench of this Court in W.P.(MD) No.11182 of 2017 dated 10.08.2017, wherein this Court has directed the respondents therein to consider the representation for renewal and till then to maintain status quo. To ascertain what is the status quo as on date, this Court enquired the learned counsel for the petitioner, who would say that though under notice dated 16.03.2018, the petitioner was asked to vacate the premises and hand over the key, he has just closed the shop and so far not handed over the possession.

4.In the light of the above submission and in the light of the contention made in the affidavit as well as the judgment of the Supreme Court referred supra, it is suffice to direct the first respondent to consider the request of renewal made by the petitioner herein on 09.04.2018 and dispose it of on merits within a period of 30 days from the date of the receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

To

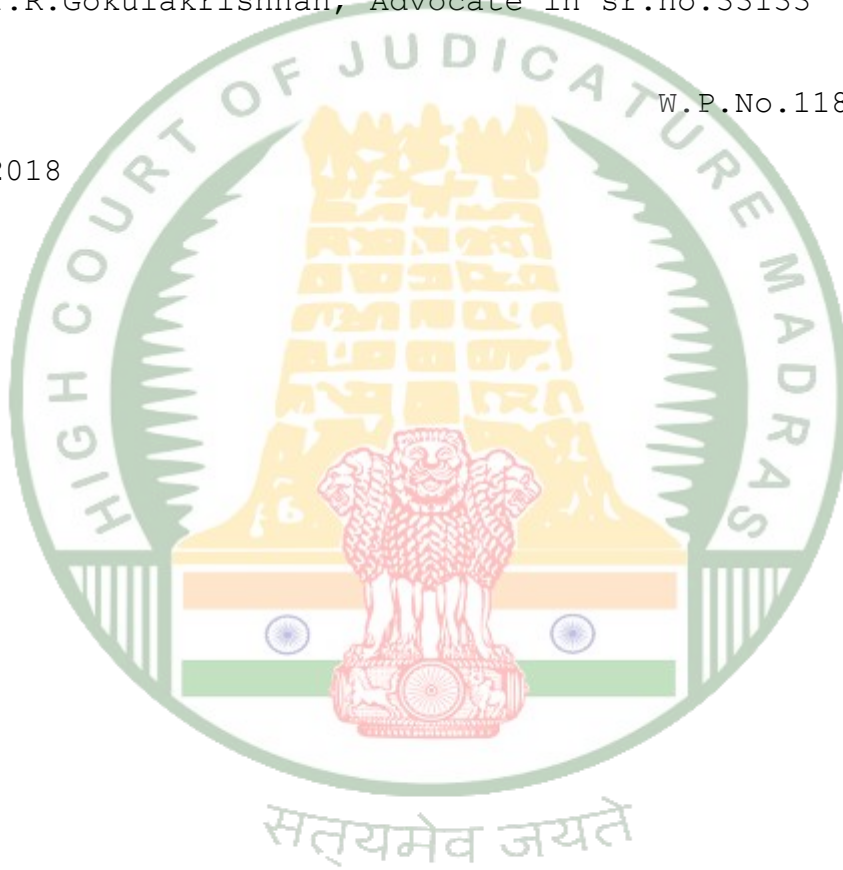
1.The Senior Divisional Commercial
Manager, Southern Railway,
Trichy Division, Trichy.

2.The Station Superintendent,
Office of Station Manager,
Southern Railway, Ariyalur,
Ariyalur District.

+lcc to Mr.R.Gokulakrishnan, Advocate in sr.no.33133

W.P.No.11807 of 2018

nr 07/05/2018



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