

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.28170 of 2017
and W.M.P.No.30304 of 2017

V.Raghuram
S/o T.Venketasan
Licensee Lakshmi book stall
Moore Market complex,
Chennai Division.

.... Petitioner

Vs.

1. The Divisional Commercial Manager,
Divisional Office,
Chennai-3.

2. The Chief Commercial Manager,
Southern Railway,
Chennai - 3.

3. The Chairman,
Indian Railways,
Rail Bhavan
New Delhi.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus to call for the records in order passed in No.M/C.41/BS/Policy dated 04.10.2017 on the file of the first respondent and quash the same as illegal, arbitrary and direct the first respondent not to increase the License fee.

For Petitioner : Mr.A.Thiagarajan,
Senior counsel
for Mr.M.Nallathambi

For Respondents : Mr.P.T.Ramkumar,
Standing Counsel

O R D E R

The petitioner has filed the writ petition challenging the order of the first respondent dated 4.10.2017, wherein and whereby, he was called upon to pay the pending licence fee.

2. It is seen that the issue involved in this case was already covered by an order passed by this Court in

W.P.Nos.28555 to 28557 of 2017 dated 02.03.2017, wherein those writ petitions were disposed of by imposing certain conditions as follows:

(a) The individual writ petitioners shall pay the arrears as on today in four equal monthly installments commencing from 02.04.2018.

(b) The respondents are entitled to collect licence fee with the increased rate commencing from the month of April 2018.

(c) If the petitioners fail to pay any one of the installments within the time stipulated, it is open to the respondents to take action for evicting the petitioners from the respective premises.

(d) If the petitioners pay the installments as directed supra, without any default, the respondents Railway Department shall consider their request for the extension of their licence after its expiry in accordance with law.

3. Learned counsel appearing on either side submitted that the same order shall be passed in this writ petition also. Accordingly, this writ petition is disposed of by passing the following order:

(a) The writ petitioner shall pay the arrears as on today in four equal monthly installments commencing from 02.04.2018.

(b) The respondents are entitled to collect licence fee with the increased rate commencing from the month of April 2018.

(c) If the petitioner fails to pay any one of the installments within the time stipulated, it is open to the respondents to take action for evicting the petitioner from the premises.

(d) If the petitioner pay the installments as directed supra, without any default, the respondents Railway Department shall consider his request for the extension of his licence after its expiry in accordance with law.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

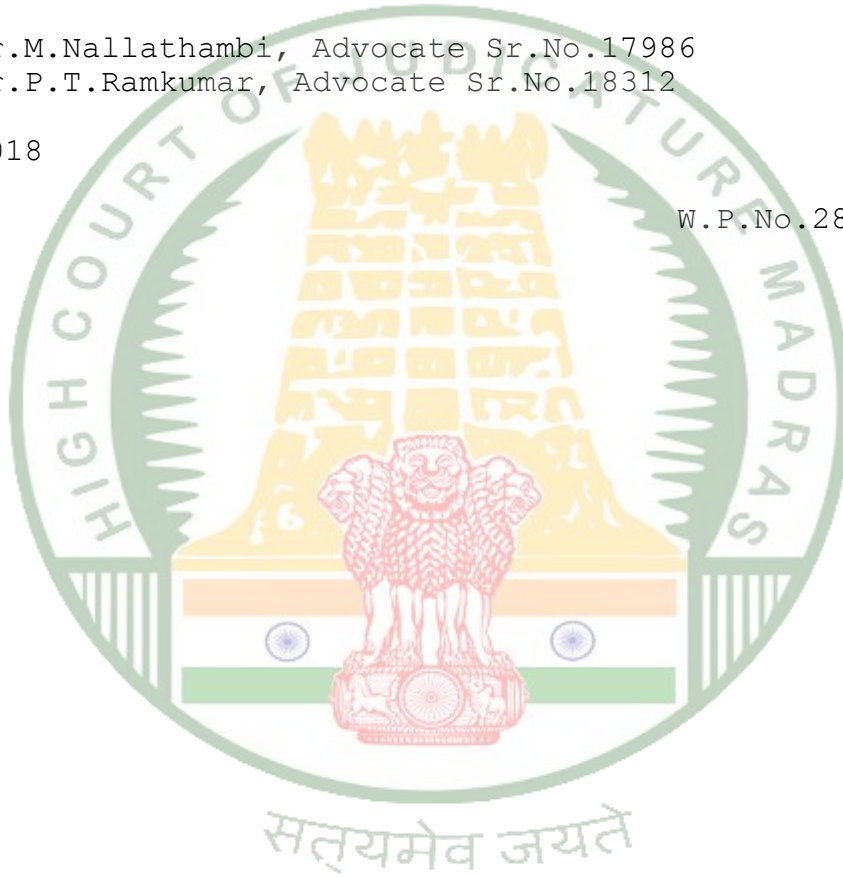
1. The Divisional Commercial Manager,
Divisional Office, Chennai-3.
2. The Chief Commercial Manager,
Southern Railway, Chennai - 3.
3. The Chairman,
Indian Railways,
Rail Bhavan, New Delhi.

+1cc to Mr.M.Nallathambi, Advocate Sr.No.17986

+1cc to Mr.P.T.Ramkumar, Advocate Sr.No.18312

sm:19.3.2018

W.P.No.28170 of 2017



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