



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

**THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A[MD].No.1462 of 2017
in
W.P. (MD)No.11369 of 2017

S.Nagarajan

.. Appellant/Petitioner

Vs.

1. Senior Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Southern Railway, Madurai.

2. The Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Southern Railway, Madurai.

... Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order of the learned single Judge of this Court, dated 13.11.2017 in W.P.(MD)No.14716 of 2017.

Prayer in WP(MD)No.14716/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records relating to the proceedings of the Impugned Order in U/C.79/CBS/MDUPF.2&3 dated 04.08.17 on the file of the 1st Respondent and quash the same and further directing the Respondents to renew the contract of maning catering and bakery stall at Platform No.2 and 3 of Madurai Junction (S 04) for the period 2016-2019.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : Mr.A.Haja Mohideen

**JUDGEMENT**

[Judgement of the Court was delivered by K.RAVICHANDRABAABU, J]

The writ petitioner, who failed to succeed before the writ Court, is the appellant before us. He is aggrieved against the order of the first respondent, dated 04.08.2017, wherein and where by his request for renewal of licence to run a bakery stall at platform Nos.2 and 3 of Madurai Railway Junction, was rejected.

2.The learned Judge dismissed the writ petition by observing that the petitioner had undergone imposition of penalties for more than eight times for poor maintenance of the stall and therefore, the petitioner is not entitled to automatic renewal of the contract. However, the learned Judge also recorded the statement made by the learned counsel appearing for the respondents that there is no objections for the respondents in permitting the petitioner to participate in the future tender. Accordingly, the learned Judge, disposed the writ petition leaving it open to the writ petitioner to participate in the forthcoming tender.

3.Challenging the said order, the present writ appeal is filed before us. After notice, when the matter is taken up today for further hearing, it is submitted by both sides that the fresh tender auction is scheduled to be held on 07.05.2018.

4.The learned counsel appearing for the appellant fairly submitted that the appellant may be permitted to participate in the forthcoming tender. However, it is submitted by the learned counsel appearing for the respondents that the subject-matter shop is now categorized for women and therefore, the petitioner may not be in a position to participate in the tender process. Needless to say that the liberty granted by this Court to take part in the tender is always subject to the terms and conditions stipulated in the tender notification and therefore, only when the petitioner is eligible to participate in the forthcoming tender, based on the terms and conditions stipulated therein, the liberty granted by the learned single Judge can be worked out.

5.Making the above said position clear, this writ appeal is dismissed, as we find no ground to interfere with the order of the learned single Judge. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)



To

1. The Senior Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Southern Railway, Madurai.

2. The Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Southern Railway, Madurai.

+ 1 CC TO Mr.A.HAJA MOHIDEEN, ADVOCATE IN SR No. 61993
+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 62144

RJ2

TE/KKR/SAR-1 : 10/05/2018 : 3P/5C

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