

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34549 of 2018
and
W.M.P.No.40081 of 2018

D.Narasimhan

...Petitioner

Vs.

The Senior Divisional Commercial Manager,
Commercial Division,
Southern Railway,
Chennai - 600003.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to remove the lock and seal and permit the petitioner to continue to run his book stall at the Mambalam Railway Station, Chennai.

For Petitioner : Mr.M.Radhakrishnan

For Respondent : Mr.P.T. Ramkumar
Standing Counsel [Railway]

O R D E R

The petitioner seeks for a Mandamus directing the respondent to remove the lock and seal and permit the petitioner to continue to run his book stall at the Mambalam Railway Station, Chennai.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

3. The very same petitioner has already approached this Court and filed a writ petition in W.P.No.28557 of 2017, challenging the order of the very same respondent, dated 04.10.2017, wherein and whereby, the petitioner was called upon to pay the pending license fee immediately. The said writ petition was disposed of along with other connected two writ petitions on 02.03.2018, by granting a time to pay the arrears

in four equal monthly installments commencing from 02.04.2018. Now, it is stated by the petitioner that due to certain unforeseen circumstances, he could not commence and complete the installments within the stipulated time and however, the entire arrears has been paid subsequently. Therefore, the petitioner seeks for removal of the lock and seal put up in the petitioner's shop.

4. The learned standing counsel appearing for the respondent is not disputing the fact that the petitioner has paid the entire arrears. However, it is contended by him that the petitioner has not adhered to the time given by this Court.

5. Considering the fact that the petitioner has already paid the installment and that the belated payment of such installment is also received by the respondent without any protest and further considering the fact that the running of the book stall is the livelihood of the petitioner, this Court is of the view that the respondent shall permit the petitioner to run the book stall, of course with a condition that he should comply with other terms and conditions of license.

6. Accordingly, this Writ Petition is allowed and the respondent is directed to remove the lock and seal and permit the petitioner to continue to run his book stall at the Mambalam Railway Station, Chennai. The petitioner shall also co-operate with the respondent if they want to convert the present book stall as multi-purpose stall, as requested by the learned standing counsel for the respondent. It is made clear that in the event of converting the present book stall as multi purpose stall, the respondent shall permit the petitioner herein to continue as a licensee in respect of such stall so long as the license is in force. No costs. Consequently, connected miscellaneous petition is closed.

sni/maya

सत्यमेव जयते

Sd/-

Assistant Registrar(C.O)

//True Copy//

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Sub Assistant Registrar

To
The Senior Divisional Commercial Manager,
Commercial Division,
Southern Railway
Chennai - 600003.

+lcc to Mr.M.Radhakrishnan, Advocate, S.R.No.23774

+lcc to Mr.P.T.Ram Kumar, Advocate, S.R.No.24154

W.P.No.34549 of 2018

GJII- (CO)

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