



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) Nos.24101 & 24102 of 2017

and

WMP (MD) Nos.20229 & 20230 of 2017

R.Baskaran ... Petitioner in WP (MD) No.24101 of 2017

R.Balaguru ... Petitioner in WP (MD) No.24102 of 2017

Vs.

1.The Divisional Railway Manager,
Southern Railways, Madurai.

2.The Senior Divisional Commercial
Manager,
Southern Railways,
Madurai - 625 016.

3.The Chief Commercial Inspector,
Southern Railways, Manamadurai.

4.The Station Superintendent,
Ramanathapuram Railway Station,
Ramanathapuram District. ... Respondents in both writ petitions

PRAYER in WP (MD) No.24101 of 2017 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant extension for the Combined Fruits and Vegetarian Tea Stall at Ramanathapuram Railway Station as per circular dated 15.03.2017 issued by the Ministry of Railway Board.

PRAYER in WP (MD) No.24102 of 2017 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant extension for the Sweet Stall at Ramanathapuram Railway Station as per circular dated 15.03.2017 issued by the Ministry of Railway Board.



For Petitioner
in both cases : Mr.R.Vijayakumar

For Respondents
in both cases : Mr.S.Manohar
for Mr.C.Vakeeswaran

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ORDER

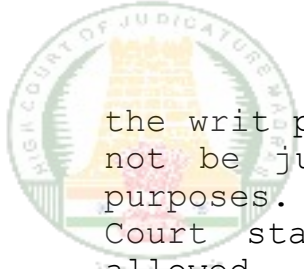
Heard the learned counsel on either side.

2.The writ petitioner was given license on 27.12.2012 to run a stall at Ramanathapuram railway station. The license period expired in December, 2017. Due to certain reasons, the writ petitioner herein did not even run the stall. Therefore, the respondents terminated the license. The same was questioned by the writ petitioners herein in WP(MD)Nos.23955 & 23956 of 2016. The writ petitions were dismissed. Challenging the same, they filed Writ Appeal Nos.277 & 278 of 2017. The said writ appeals were allowed by a common judgment on 10.04.2017 and the writ petitioners were permitted to continue till December, 2017. Certain conditions were imposed on them.

3.The Hon'ble Division Bench made it clear in its order dated 10.04.2017 that the writ petitioners will not be permitted to continue beyond December, 2017. The expression "not further" is found in Paragraph No.8 of the order passed by the Hon'ble Division Bench. Of course, this would not bar the respondents from granting extension to the writ petitioners. The petitioners submitted representations seeking extension. The petitioners wanted the respondents to consider their request in terms of the circular dated 15.03.2017. The respondents did not pass any orders on the writ petitioners' request. Taking advantage of the same, these writ petitions came to be filed. The petitioners were successful in obtaining interim orders from this Court. Aggrieved by the same, the respondents have applied for vacating the same. The learned counsel appearing for the writ petitioners reiterated the contentions set out in the affidavit filed in support of these writ petitions.

4.I am of the view that the second respondent as the competent authority must consider the writ petitioners' request for extension. The second respondent is directed to consider the petitioners' application dated 11.12.2017 and 13.12.2017 on merits and in accordance with law and pass appropriate orders.

5.I am of the view that the interim orders granted by this Court on 22.12.2017 cannot be allowed to continue any further. Because the same runs counter to the direction given by the Hon'ble Division Bench. When the Hon'ble Division Bench had disposed of



the writ petitioners' appeal in a certain manner, this Court would not be justified in passing an order that would work at cross purposes. Therefore, the interim orders earlier granted by this Court stand vacated. WMP(MD)Nos.12014 & 12322 of 2018 stand allowed. Stay petitions, namely WMP(MD)Nos.20229 & 20230 of 2017 stand dismissed. These writ petitions are disposed of by directing the second respondent to consider the petitioners' representation on merits and in accordance with law. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Skm

+2CC TO MR.V.PANNEER SELVAM, Advocate Sr. No.47447 & 47448
+2CC TO MR.C.VAKEESWARAN, Advocate Sr. No.47240 & 47241

WP (MD) Nos. 24101 & 24102 of 2017
and
WMP (MD) Nos. 20229 & 20230 of 2017
14.02.2019

TR (25.03.2019) 3P 5C