



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD)Nos.4177 of 2016 and 26494 of 2019

and

WMP. (MD) .Nos.3752 and 3753 of 2016

and

W.M.P. (MD) .Nos.22894 and 22895 of 2019

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W.P. (MD) .No.4177 of 2016

S.Rabik Raja

... Petitioner

Vs.

- 1.Station Superintendent,
Sattur Railway Station, Sattur,
Southern Railway, Sattur.
- 2.Senior Divisional Commercial Manager,
Divisional Office,Commercial Branch,
Southern Railway,Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in No.SRT/MS/815/26/1 dated 26.02.2016 on the file of the first respondent and quash the same.

W.P. (MD) .No.26494 of 2016

S.Rabik Raja

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in U/C 79/Multi Stall/SRT/PF No1 dated 18.11.2019 on the file of the respondent and quash the same and further directing the respondent to permit the petitioner to run the Multi Stall in Platform No.1 at Sattur Railway Station in accordance to the order of the respondent dated 27.12.2017.

For Petitioner in both W.Ps : Mr.G.Prabhu Rajadurai

For Respondents in both W.Ps : Mr.S.Manohar, Standing Counsel

COMMON ORDER

Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.S.Manohar, learned Standing Counsel appearing for the respondents.

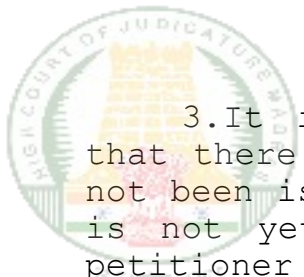
2.In the affidavit, it has been stated that the petitioner, who had applied for running a multi purpose stall in the main platform



in Sattur Railway Station. The second respondent vide his communication dated 06.05.2019 granted license to run a 'General Minor Unit' (Multi Stall) in the main platform of Sattur Railway station, on yearly license fee of Rs.30,000/- Thereafter, by communication dated 01.06.2009 specification of stall was given and an agreement was entered into on 12.11.2009 granting license for a period of 5 years ending with 20.10.2014. The said agreement provides for renewal for a further period of three years, on satisfactory performance as well as the payment of entire license fee without arrears. Accordingly, five year permission was completed and there was no arrears of the license fees. Thereafter, the respondent also revised the license fees for the entire period of five years, which was paid without any objection. The respondent has initiated Catering Policy 2010 and as per the said Policy, the respondent allowed the petitioner to run the stall after expiry of his stall on 24.10.2014. while so, on 26.02.2016 his license was terminated and he was stalled from doing business. Challenging the same, the petitioner filed W.P.(MD).No.4177 of 2016. In the said Writ Petition, the following orders was passed.

"4.In view of the above, the petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) with the first respondent. Out of the said amount, a sum of Rs.50,000/- (Rupees Fifty Thousand only) shall be paid by the petitioner immediately. On such amount being paid by the petitioner, the first respondent is directed to remove the seal of the petitioner shop. In the mean time, it is open to the respondents to call for fresh tender, as they scheduled. It is also open to the petitioner to participate in the tender. The balance amount of Rs.25,000/- shall be paid within a period of two weeks from the date of receipt of a copy of this order. If the petitioner fails to adhere any of the conditions stipulated in this order, it is made clear that the benefit given through this writ petition shall not be given effect to the petitioner and it is open to the respondents to proceed against the petitioner in accordance with law. It is also made clear that by virtue of this order to run the shops, he will not claim any right to tenancy right. This interim arrangement is done only for the interregnum period of calling for tender and finalization."

Thereafter, the petitioner was running the stall. In the mean while, as directed in the earlier writ petition, the respondent had called for a fresh tender. Pursuant to which, an order dated 18.11.2019 was issued directing the petitioner to vacate the premises, as the tender for running the said shop has been awarded to the highest bidder. Challenging the said order, the present wit petition in W.P. (MD).No.26494 of 2019 is filed.



3.It is contended by the learned counsel for the petitioner that there was only a sole bidder and that the letter of award has not been issued to him to run the stall and that the tender process is not yet finalized and that the respondent should permit the petitioner to run the stall, placing reliance on the order passed in W.P.(MD).No.4177 of 2016. The earlier order passed by this Court on 02.03.2016 directing the respondent to call for a fresh tender and allowed the petitioner to participate in the tender, if the petitioner fails to adhere to the conditions stipulated in the order, it is open to the respondents to proceed against the petitioner, in accordance with law. It was made clear that merely because, the petitioner was directed to run the shop as interim arrangement, he cannot claim any equitable or tenancy right.

4.The learned counsel appearing for the respondents produced a letter of award dated 18.11.2019 in favour of one B.Sekar. Therefore, the indulgence already given by this Court earlier to the petitioner, cannot be extended and the petitioner also cannot challenge the order of eviction which is impugned in the said petition and hand over the possession .Though it is stated by the petitioner that he has handed over the possession, it is pointed out by the learned counsel for the respondents that the structure also to be removed by the petitioner. The above exercise shall be complied with within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NS

To

1.Station Superintendent,Sattur Railway Station, Sattur,
Southern Railway, Sattur.

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

+1 CC to M/s.S.MANOHAR, Advocate (SR-105518[F] dated 18/12/2019)

+1CC TO Mr.G.Prabhu Rajadurai, Advocate, Sr.No.105858

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