

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8563 of 2020

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Gopal Prasad Barbaria, male aged about 73 years, son of Kanhaiya Lal, resident of Ward No.3, Hasanpur Bazar, Rampur Rajawa, Hasanpur Sugar Mill, P.S.- Hasanpur, Samastipur through his Power of attorney holder namely Sanjay Kumar Barbariya, male aged about 50 years, son of Shri Gopal Prasad Barbariya, resident of Ward No. 3, Hahasanpur Bazar, Rampur Razawa, Hasanpur Sugar Mill, P.S. Hasanpur, Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, Ministry of Railways New Delhi.
2. The Director, Land and Amenities, Railway Board, Ministry of Railways, New Delhi.
3. The General Manager, East Central Railway, Zonal Office Hazipur, Vaishali
4. The Divisional Railway Manager, East Central Railway, Samastipur Division, Samatipur.
5. The Assistant Divisional Engineer, East Central Railway, Samastipur.
6. The Senior Section Engineer, (Works) Line, Eastern Central Railway, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate
For the Railway	:	Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Gautam Kumar Kejriwal, learned counsel for the petitioner and Mr. Siddhartha Prasad, learned counsel for the Railways.

3. The matter has been taken up and heard out of turn



on motion moved by Mr. Siddhartha Prasad, learned counsel on 3rd December, 2020, pointing out that the case could be disposed off in terms of the order passed by a co-ordinate Bench and that the petitioner was also agreeable to the same.

4. The petitioner has moved the Court for the following reliefs:

- “(a) For issuance of a writ in the nature of certiorari for quashing of the notice dated 17/21.12.2019 whereby a demand for license fee with increment from retrospective effect (from 01.04.1995 till 2019-2020) has been made in direct contravention of the relevant guidelines issued by the respondent Railway Board from time to time;*
- (b) For issuance of a writ or order or direction restraining the respondents from any action for recovery of the amount so demanded by way of the impugned letters and also for restraining the respondents from any other consequential action as a result of non-payment of the amount so demanded through the impugned letter;*
- (c) For holding and a declaration that the revision of license fee can be done by the respondents only in accordance with clause 7 of the railway board's letter number 2005/LML/18/8 dated 10.02.2005;*
- (d) For holding and a declaration that there can't be a retrospective revision of license fee with effects of enhancement so as to hold the petitioner liable for payment of the difference which is contrary to and violative of the guidelines issued by the respondent Railway Board;*
- (e) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”*



5. At the outset, it was jointly pointed out that the issue involved was similar to the issue before the Court in CWJC No.8604 of 2020 (**Bharat Kumar Agarwal @ Bharat Kumar Vs. The Union of India and others**) and three other analogous cases, which have been disposed off by order dated 06.11.2020.

6. Having regard to the aforesaid, the present application also stands disposed off in terms of order dated 06.11.2020 passed in CWJC No.8604 of 2020 and its three analogous cases.

7. The Court would only note that the said cases were also disposed off on the basis of order dated 04.11.2019 passed in CWJC No.18109 of 2018 (**Vijay Sah Vs. Union of India and others**).

(Ahsanuddin Amanullah, J)

J. Alam/-

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