

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8914 of 2020

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Nand Lal Barbariya alias Nand Lal Barbaria Son of Kanhaiya Lal Varbariya Resident of Hasanpur Bazar, Hasanpur, Samastipur- 848205 through his power of attorney holder namely Deep Chandra Barbariya male, aged about 46 years, Son of Shri Nand Lal Barbariya Resident of Ward No.5, Deepmala, Hasanpur 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, Samastipur.
5. The Assistant Divisional Engineer, East Central Railway, Samastipur.
6. The Senior Section Engineer, (Works) Line, East Central Railway, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate
For the Resp. Railway : Mr. Bijoy Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 23-12-2020

This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The present writ petition has been filed for the



following reliefs as formulated by the petitioner -

- “i) For issuance of a writ in the nature of certiorari for quashing of the notice dated 17/21.12.2019 and also the notice issued vide ref. no. W/214/railbhumi/anu.abhi.(karya)line/sam. Dated 20/21.02.2020 whereby a demand for licence 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;*
- ii) 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;*
- iii) For holding and a declaration that the revision of licence fee can be done by the respondents only in accordance with clause 7 of the Railway Board's letter no. 2005/LML/18/8 dated 10.02.2005;*
- iv) 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;*



v) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.”

3. At the very outset, learned counsel for the petitioner and learned counsel for the Respondent-Railway submit in unison that the matter stands covered by the order dated 04.11.2019 passed by this Court in CWJC No. 18109 of 2018 (Vijay Sah vs. The Union of India and others). Other writ petitions namely, CWJC No. 8604 of 2020 (Bharat Kumar Agarwal @ Bharat Kumar vs. The Union of India and others) and analogous cases have also been disposed of by order dated 06.11.2020 on the same lines.

4. Having regard to the stand of the parties, the present writ petition is also accordingly disposed of in line with the aforesaid orders of this Court and the observations and directions contained therein shall govern the petitioner of the present case.

5. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	25.12.2020
Transmission Date	-

