

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 29275 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“.....to issue an appropriate Writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in terminating the leasehold right of the petitioner by issuing proceeding No.C/C/37/VPH/18646/18645/2018-19/1 dated 21/11/2019 without waiting for enquiry report of the enquiry officer appointed by the 4th and the 5th respondent pursuant to the petitioner's representation dated 01/10/2019 and the action of the 2nd respondent confirming the termination by an order dated 14/12/2019 as arbitrary, illegal, in violation of well settle principles of natural justice and consequently direct the respondent to refund the security deposit by accepting the termination notice dated 09/10/2019 as notice period...”

When the matter is taken up, it is submitted by the learned Senior Counsel appearing for the petitioner as well as learned Standing Counsel for the South Central Railways appearing for the respondents that the issue raised in the present Writ Petition is squarely covered by the order dated 12.11.2019 passed by this Court in W.P.No.21872 of 2019.

Operative portion of the aforesaid order reads as under:

“Accordingly, without expressing any opinion on merits, the writ petition is disposed of setting aside the impugned order dt.13.09.2019 passed by the 2nd respondent vide Proceedings No. C.285/Mktg/Parcel/CPLP-NP/2018/Vol-V, confirming the orders passed by the 3rd respondent vide proceedings No.C/C/37/Leasing/VPH/18646/ 18645/ 2018-19/1, dated

27.08.2019. The Petitioner is directed to submit explanation treating the impugned order as show cause notice, within a period of two weeks from today and on such submission, competent authority shall consider the same and take action, in accordance with the agreement and relevant regulations, within a period of two weeks there after. If the petitioner fails to submit explanation within the stipulated period, it is open for the respondents to proceed further in the matter. No order as to costs.”

In those circumstances, following the above said order and for the reasons recorded therein, this Writ Petition is also disposed of in terms thereof.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

Dt:09.01.2020
kdl

CHALLA KODANDA RAM, J



