

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2807 of 2020

1. Arun Kumar Singh Son of Late Rajendra Prasad Singh, Resident of Village- Van Vikash Bharti, Dumwali, P.s.- Bagaha, District- West Champaran
2. Satyadeo Prasad, Son of Late Bisoomi Sah, Resident of Village- Malkauli, P.s.- Bagaha, District- West Champaran
3. Vijay Kuamr, Son of Triyogi Narayan Prasad, Resident of Village- Bairyakhurd Harnatar, P.s.- Laukariya, District- West Champaran
4. Jitendra Kumar Jaiswal, Son of Late Bhroov Sah, Resident of Village- Shastrinagar, P.s.- Bagaha, District- West Champaran
5. Bijay Kumar Jaiswal, Son of Late Kanti sah, Resident of Village- Shastrinagar, P.s.- Bagaha, District- West Champaran
6. Ekbal Ansari, Son of Noor Mohammad Ansari, Resident of Village- Shastrinagar, P.s.- Bagaha, District- West Champaran
7. Shankar Das, Son of Late Ekbal Das, Resident of Village- Kalisthan, P.s.- Bagaha, District- West Champaran
8. Lalji Prasad Gupta, Son of Ramayan sah, Resident of Village- Hanuman Ghadni Bagaha, P.s.- Bagaha, District- West Champaran
9. Anwar Khan, Son of Late Chokat Khan, Resident of Idgah Muhalla, Bagaha, P.S.- Bagaha, District- West Champaran
10. Rajendra Prasad Gupta, Son of Late Ram Chandra Prasad, Resident of Village- Naraianpur, P.s.- Bagaha, District- West Champaran
11. Sanjay Sah, Son of Malbhog Sah, Resident of Village- Kailashnagar, P.s.- Bagaha, District- West Champaran
12. Sanjay Choudhary, Son of Ram Ekbal Chaudhary, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
13. Radhey Shyam Prasad Sah, Son of Late Swaminath Sah, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
14. Ajay Kumar, Son of Yado Lal Prasad, Resident of Village- Pathkauli, P.s.- Bagaha, District- West Champaran
15. Sharwan Kumar, Son of Parash Nath Sah, Resident of Village- Pathkauli, P.s.- Bagaha, District- West Champaran
16. Sita Ram Prasad Jaiswal, Son of Haridwar Prasad, Resident of Village- Bagahat, P.s.- Bagaha, District- West Champaran
17. Md. Ishaque Ansari, Son of Late Kitab Hussain Ansari, Resident of Village- Sukhman, P.s.- Bagaha, District- West Champaran
18. Raghunath Bhagat, Son of Parmeshwar Bhagat, Resident of Village- Kailash Nagar, P.s.- Bagaha, District- West Champaran
19. Nanhey Kumar, Son of Akshaylal Sah, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
20. Ranjeet Kumar, Son of Late Vishwanath Prasad, Resident of Village- Kailash Nagan, P.s.- Bagaha, District- West Champaran



21. Prem Kuamr Gupta, Son of Late Krishna Mohan Prasad Gupta, Resident of Village- Gandhi Nagar, Narayipur, P.s.- Bagaha, District- West Champaran
22. Rakesh Prasad, Son of Late Ramlal Das, Resident of Village- Kalisthan Bagahat, P.s.- Bagaha, District- West Champaran
23. Hari Narayanpatwa, Son of Late Harakh Chandra Patwa, Resident of Village- Norwal Boruar, P.s.- Bagaha, District- West Champaran
24. Ashok Kumar, Son of Harendra Kishore Sah, Resident of Village- Jagarnathpur, P.s.- Gopalpur, District- West Champaran
25. Dinesh Prasad Jaiwal, Son of Late Nathvoni Prasad Jaiswal, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
26. Anand Prasad, Son of Binda sah, Resident of Village- Dumwaliya Bagaha, P.s.- Bagaha, District- West Champaran
27. Laxman Prasad Gupta, Son of Late Bagar sah, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
28. Lalita Devi, Wife of Late Ram Chandra Sah, Resident of Village- Pathkhauli, P.s.- Bagaha, District- West Champaran
29. Harendra Yadav, Son of Raj Baili Yadav, Resident of Village- Chandrapur Bherari Putilar, P.s.- Chautarwa, District- West Champaran
30. Madan Prasad, Son of Prahlad Prasad, Resident of Village- Pathkauli, P.s.- Bagaha, District- West Champaran
31. Sheev Shankar Prasad Chaurasiya, Son of Subh Narain Prasad, Resident of Village- Barwa, P.s.- Bhairoganj, District- West Champaran
32. Manoj Prasad, Son of Chhotelal Prasad, Resident of Village- Dumwaliya Kailash Nagar, P.s.- Bagaha, District- West Champaran
33. Kush Sah, Son of Late Shivjee sah, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
34. Ashish Kumar, Son of Sheeo Nath Prasad, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
35. Brajesh Kumar, Son of Late Jagdeo Prasad, Resident of Village- Pathkauli, P.s.- Bagaha, District- West Champaran
36. Anil Kumar Soni, Son of Yogendra Prasad Soni, Resident of Village- Aarya Samaj Mandir, P.s.- Bagaha, District- West Champaran
37. Chandeshwar Prasad, Son of Prabhoo Prasad Jaiswal, Resident of Village- Malkauli, P.s.- Bagaha, District- West Champaran
38. Kamrul Hasan, Son of Jahid Hussain, Resident of Village- Mangalpur Bazar, P.s.- Bagaha, District- West Champaran
39. Shyam Kumar, Son of Shesh Nath, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
40. Pawan Kumar, Son of Ramashish Sah, Resident of Village- Kailash Nagar, P.s.- Bagaha, District- West Champaran
41. Narmadehswar Pandey, Son of Sheo Budan Pandey, Resident of Village- Babui Tola, P.s.- Bagaha, District- West Champaran
42. Umeshwar Prasad, Son of Kanhaiya Prasad, Resident of Village- Jhoorapur,



P.s.- Bhairoganj, District- West Champaran

43. Sheshnath Prasad, Son of Thag Sah, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
44. Manoj Kumar, Son of Sheo Sagar Gupta, Resident of Village- Bankatwa, P.s.- Bagaha, District- West Champaran
45. Nagendra Prasad, Son of Gokhula Sah, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
46. Kameshwar Prasad, Son of Late Vishwanath Prasad, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
47. Achhe Lal Prasad, Son of Late Gokhula Prasad, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
48. Umesh Prasad, Son of Late Biwanath Prasad, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
49. Jai Prakash Prasad, Son of Late Kishori , Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
50. Sonu Kumar Gupta, Son of Hari Prasad Gupta, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
51. Kanti Sah, Son of Late Budhan Sah, Resident of Village- Shastrinagar, P.s.- Bagaha, District- West Champaran
52. Sunil Kumar, Son of Late Kishori Prasad, Resident of Village- Pathkhauli, P.s.- Bagaha, District- West Champaran
53. Kundan Kumar, Son of Vindhyachal Prasad, Resident of Village- Baghat, P.s.- Bagaha, District- West Champaran
54. Abhishek Kumar, Son of Late Madan Prasad, Resident of Village- Gandal Colony, P.s.- Bagaha, District- West Champaran
55. Md. Kamru Jamman, Son of Ali Abbash Ansari, Resident of Village- Norwal Boral, P.s.- Bagaha, District- West Champaran
56. Bhikhu Sah, Son of Late Narain Sah, Resident of Village- Pathkhauli, P.s.- Bagaha, District- West Champaran
57. Munna Kewat, Son of Jhaorkha Kewat, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
58. Chandan Kumar, Son of Vindhyachal Prasad, Resident of Village- Pathkauli, P.s.- Bagaha, District- West Champaran
59. Manoj Kumar, Son of Lalit Mohan Sah, Resident of Village- Pathkauli, P.s.- Bagaha, District- West Champaran
60. Umesh Kumar, Son of Ramjee Prasad, Resident of Village- Bhudwari Tola, P.s.- Bagaha, District- West Champaran
61. Shambhu Prasad Chaurasiya, Son of Harilal Prasad Chaurasiya, Resident of Village- Malkauli, P.s.- Bagaha, District- West Champaran
62. Anish Alam, Son of Md. Neejamudin, Resident of Village- Malkauli, P.s.- Bagaha, District- West Champaran
63. Phool Kumari Devi, Wife of Late Dhroow Chaudhary, Resident of Village- Naraypur, P.s.- Bagaha, District- West Champaran



64. Daroga Prasad, Son of Sheeo Sah, Resident of Village- Mangalpur, P.s.- Bagaha, District- West Champaran
65. Shahnaj Alam, Son of Sheeo Sah, Resident of Village- Naraprasauni, P.s.- Bhairoganj, District- West Champaran
66. Ashok Kumar Sah, Son of Paras Sah, Resident of Village- Pathkauli, P.s.- Bagaha, District- West Champaran
67. Krishna Prasad Gupta, Son of Harihar Prasad, Resident of Village- Borwal, P.s.- Bagaha, District- West Champaran
68. Kameshwar Prasad, Son of Late Vishwanaht Prasad, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
69. Shambhu Nath Prasad, Son of Motilal Sah, Resident of Village- Pathkhauli, P.s.- Bagaha, District- West Champaran
70. Rajesh Chaudhary, Son of Chandrika Chaudhary, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
71. Umarwati Devi, Wife of Rama Prasad Jaiswal, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
72. Chandra Mohan Gupta, Son of Kanhaiya Gupta, Resident of Village- Gandhinagar, P.s.- Bagaha, District- West Champaran
73. Sunil Kumar Jaiswal, Son of Paras Nath Jaiwal, Resident of Village- Mangalpur, P.s.- Laukauriya, District- West Champaran
74. Sunil Kumar, Son of Late Kishori Prasad, Resident of Village- Pathkhauli, P.s.- Bagaha, District- West Champaran
75. Manir Miyan, Son of Gafoor Miyan, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
76. Awadhesh Kumar, Son of Parasnath Sha, Resident of Village- Mangalpur, P.s.- Laukauriya, District- West Champaran
77. Md. Israyal Ansari, Son of Gudar Miyan, Resident of Village- Pachganwa, P.s.- Semra, District- West Champaran
78. Janki Devi, Son of Kalika Sah, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
79. Vindhychal Prasad, Son of Missrilal Prasad, Resident of Village- Narainpur, P.s.- Bagaha, District- West Champaran
80. Dhroow Chaudhary, Son of Late Biricha Chaudhary, Resident of Village- Singori, P.s.- Semra, District- West Champaran
81. Akhileshwari Prasad, Son of Nandlal Sah, Resident of Village- Pathkhauli, P.s.- Bagaha, District- West Champaran
82. Dheeraj Kumar, Son of Deo Narain Thakur, Resident of Village- Ramaiya Colony, P.s.- Bagaha, District- West Champaran
83. Arunesh Prasad, Son of Late Jagdish Prasad, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
84. Lalan Shrivastav, Son of Ram Lakhan Shrivastava, Resident of Village- Kailash Nagar, P.s.- Bagaha, District- West Champaran
85. Brijraj Prasad Gupta, Son of Lochan Sah, Resident of Village- Shastrinagar,



P.s.- Bagaha, District- West Champaran

86. Girza Devi, Wife of Late Brizlal Prasad Jaiswal, Resident of Village- Kailash Nagar, P.s.- Bagaha, District- West Champaran
87. Suresh Prasad, Son of Ram Bharath Sah, Resident of Village- Dumwaliya, P.s.- Bagaha, District- West Champaran
88. Ravindra Singh, Son of Ram Jatan Singh, Resident of Village- Narainpur Ghat, P.s.- Bagaha, District- West Champaran
89. Md. Farookh , Son of Abdool Ansari, Resident of Village- Norwal Borwal, P.s.- Bagaha, District- West Champaran
90. Lalita Devi, Wife of Late Ramchandra Sah, Resident of Village- Pathkauli, P.s.- Bagaha, District- West Champaran
91. Lal Saheb Pandey, Son of Bashishth Pandey, Resident of Village- Ajuwa Sugauli, P.s.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, New Delhi
2. The General Manager, East Central Railway, Hazipur
3. The Assistant Divisional Engineer, East Central Railway, Narkatiaganj
4. The Divisional Manager Rail Manager, Engineering, East Central Railway, Samastipur
5. The Senior Sectional Engineering (Works), Narkatiaganj, East Central Railway, Narkatiaganj
6. The Station Master, Bagha Railway Station, West Champaran

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 6458 of 2020

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1. Sita Ram Gupta Son of Late Singhashan Gupta @ Singal Gupta Resident of Ward No. 05, Village- Nara Parsauni, Bhairoganj, P.s.- Bhairoganj, District- West Champaran
2. Jagdish Singh Son of late Prabhunath Singh, Resident of Ward No. 13, Village- Jura, Bhairoganj, P.s.- Bhairoganj, District- West Champaran
3. Rajiv Ranjan Sharma @ Raju ranjan Sharma Son of Jagdish Sharma Resident of Ward No. 11, Village- Sahsaram, P.s.- Bhairoganj, District- West Champaran

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, new Delhi
2. The Executive Director, Traffic Commercial (Rates), Railway Board, Rail Bhawan, New Delhi
3. The Director (Land and Amenities), Railway Board, Rail Bhawan, New



Delhi

4. The East Central Railway through its General Manager, East Central Railway, Hazipur, Bihar
5. The Divisional Railway Manager, Samastipur
6. The Divisional Railway Manager (Engi.) East Central Railway, Samastipur
7. The Senior Divisional Finance Manager, Samastipur
8. The Sr. Divisional Engineer, East Central Railway, Samastipur
9. The Senior Section Engineer (Works) East Central Railway, Narkatiyaganj
10. The Assistant Divisional / Section Engineer, East Central Railway, Narkatiyaganj

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6655 of 2020

1. Ravi Prakash Pandey Son of Late Dhanushdhari Pandey Resident of Village and P.O.- Manjharia, P.S.- Bhairoganj, District- West Champaran.
2. Niranjana Pandey Son of Jagmohan Pandey Resident of Village and P.O.- Nara Parsauni, P.S.- Bhairoganj, District- West Champaran.
3. Mukutdhari Singh Son of Late Ram Chandra Singh Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
4. Daroga Sah Son of Mangal Sah Resident of Village and P.O.- Nara Parsauni, P.S.- Bhairoganj, District- West Champaran.
5. Raj Kumar Gupta Son of Late Devi Sah Resident of Village and P.O.- Nara Parsauni, P.S.- Bhairoganj, District- West Champaran.
6. Radha Kant Pandey Son of Late Yogendra Pandey Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
7. Satya Narayan Sah Son of Jamuna Sah Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
8. Satyawati Tiwari Son of Satya Narayan Tiwari Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
9. Ashok Prasad @ Ashok Prasad Sah Son of Late Raghunath Sah Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
10. Bhagwanjee Prasad Son of Late Jangi Sah Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
11. Lalit Mohan Sah Son of Late Lakshman Sah Resident of Village - Basgawan Parsauni, P.O.- Majharia, P.S.- Bhairoganj, District- West Champaran.
12. Naimul Haque @ Naimul Haque Son of Late Mohammad Resident of Village - Kolhuwa, P.O.- Kolhuwa, P.S.- Chautarwa, District- West Champaran.
13. Vipin Kumar @ Bipin Kumar Son of Late Jagannath Prasad Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.



14. Ramji Sah Son of Late Mishri Sah Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
15. Akhileshwar Thakur @ Dhruv Thakur Son of Late Gully Thakur Resident of Village Nara Parsauni, P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
16. Md. Kalim Son of Jamil Ahmad Resident of Village and P.O.- Kolhuwa, P.S.- Chautarwa, District- West Champaran.
17. Sarswati Devi Wife of Late Bhola Prasad Resident of Village and P.O.- Nara Parsauni, P.S.- Bhairoganj, District- West Champaran.
18. Sagir Ahmad Son of Late Wasir Ahmad @ Basir Ahmad Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.
19. Kamaluddin Ansari Son of Mohamad Jan Ansari Resident of Village and P.O.- Bhairoganj, P.S.- Bhairoganj, District- West Champaran.

... .. Petitioner/s

Versus

1. The Union of India Through the Secretary, Ministry of Railways, New Delhi.
2. The Executive Director Traffic Commercial (Rates), Railway Board, Rail Bhawan, New Delhi.
3. The Director (Land and Amenities) Railway Board, Rail Bhawan, New Delhi.
4. The East Central Railway Through its General Manager, East Central Railway, Hazipur, Bihar.
5. The Divisional Railway Manager East Central Railway, Samastipur.
6. The Divisional Railway Manager (Engi.) East Central Railway, Samastipur.
7. The Senior Divisional Finance Manager East Central Railway, Samastipur.
8. The Sr. Divisional Engineer East Central Railway, Samastipur.
9. The Senior Section Engineer (Works) East Central Railway, Narkatiaganj.
10. The Assistant Divisional/ Section Engineer East Central Railway, Narkatiaganj.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2807 of 2020)

For the Petitioner/s : Mr.Anuj Kumar

For the Respondent/s : Mr.Ramadhar Shekhar (Add.Sc.Railway)

(In Civil Writ Jurisdiction Case No. 6458 of 2020)

For the Petitioner/s : Mr.Om Prakash

For the Respondent/s : Mr.Ramadhar Shekhar (Addl. S.C. Railway)

(In Civil Writ Jurisdiction Case No. 6655 of 2020)

For the Petitioner/s : Mr.Om Prakash

For the Respondent/s : Mr.Ramadhar Shekhar (Add.Sc.Railway)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

4 01-03-2021 Since all the aforesaid three cases involve common issue, therefore, the same have been taken up for hearing together with the consent of the parties and are being disposed off by the present common order.

The grievances of the petitioners in all the aforesaid three cases are regarding the illegal notices issued to them by the authorities of the East Central Railway, whereby and whereunder the license fee, pertaining to the shops of the petitioners in question, has been revised with retrospective effect i.e. with effect from 01.04.1995 to 31.03.2020 and a huge demand has been made, with a further stipulation that in the event of default in depositing the same, the license of the shops of the petitioners would be cancelled.

The learned counsel for the parties at the outset point out that similar matters have already been disposed off by coordinate Benches of this Court vide order dated 04.11.2019 passed in CWJC No. 18109 of 2018 (Vijay Sah vs. The Union of India & ors.) and vide order dated 06.11.2020 passed in CWJC No. 8604 of 2020 and other analogous cases. It is submitted that the aforesaid writ petitions be also disposed off in terms of the said orders passed by the coordinate Benches of this Court in the case of Vijay Sah etc.



At this juncture, it would be relevant to reproduce relevant portion of the order dated 04.11.2019 passed in the case of Vijay Sah (supra) herein below:-

“Heard learned counsel for the petitioner and the Railways.

A counter affidavit has been filed on behalf of respondents-Railways.

Learned counsel for the petitioner submits that he is not required to file any rejoinder thereto and the matter may be heard and disposed off on the basis of materials available on the record.

*After hearing learned counsel for the petitioner and learned counsel for the Railways and upon perusal of the statements made in the counter affidavit, this Court is of the considered opinion that the petitioner has submitted a copy of representation as contained in Annexure '4' to the writ application to the General Manager, East Central Railway, Hajipur, Vaishali who will look into the grievance of the petitioner, shall examine all these issues raised by him and shall take an appropriate decision with an intention to amicably resolve the dispute in terms of the agreement. In case the dispute cannot be resolved amicably, the parties may invoke the relevant provision of the agreement which talks of resolution of dispute through arbitration. In this regard it has been submitted that although in Clause 24, the General Manager, East Central Railway has been named as *विवाचक*(Arbiter), now in view of the amendment of the Arbitration and Conciliation Act, 1996, he cannot act as Arbitrator. At this stage, this Court would only observe that in case the parties have,*



in terms of Clause 24, decided to get the matter resolved through arbitral process, it will be open for them to agree on the mode of appointment of the Arbitrator if occasion so arises. Till a decision is taken by the General Manager, East Central Zone, Hajipur on the representation of the petitioner, no coercive action shall be taken against him to forcibly evict from the premises.

The writ application stands disposed off.”

With the express agreement and consent of the learned counsel for the parties, the present writ petitions are also disposed off in terms of the aforesaid order dated 04.11.2019 passed in the case of Vijay Sah (supra), however, it is directed that till final award is rendered by the Arbitrator, no coercive action shall be taken against the petitioners including that of eviction and realisation of the arrears of license fee from the petitioners, however, the petitioners would continue to pay the license fee as per the pre-existing rate.

(Mohit Kumar Shah, J)

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