

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8617 of 2020

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Anuj Kumar alias Anoj Kumar Barbaria son of Nandlal resident of Flat No. B- 205, B Tower, Shilp Residency, VESU, Behind Sidhdhi Vinayak Temple, Suart City, S V R College, Surat Gujarat- 395007 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, 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, Eastern Central Railway, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal
For the Respondent/s	:	Dr. K.N. Singh (ASG)
		Mr. Siddharth Prasad

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 13-01-2021 Heard learned counsel for the petitioner and learned
counsel for the respondents.

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.”

At the outset, it was jointly pointed out that the issue involved was similar to the issue before the Court in C.W.J.C. 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.

Having regard to the aforesaid, the present writ application also stands disposed off in terms of the order dated



06.11.2020 passed in C.W.J.C. No. 8604 of 2020 and its three analogous cases.

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

(Arvind Srivastava, J)

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