



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NOS. 23201 & 23202 OF 2021

AND

W.M.P. NOS. 24498, 24501, 24502, 24503 OF 2021

K.Senthil Kumar

.. Petitioner in both WPs.

Versus

1. The General Manager  
Head Quarters Office  
Southern Railway  
Park Town Office  
Chennai - 600 003
2. The Principal Chief Commercial Manager  
Head Quarters Office  
Southern Railway  
Chennai - 600 003
3. The Senior Divisional Commercial Manager  
Divisional Railway Manager Office  
Southern Railways  
Salem Division  
Salem - 636 005

.. Respondents in both WPs.

Prayer in both WPs:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent and quash the order dated 15.09.2021.

For Petitioner : Mr.V.S.SenthilKumar  
for both WPs



For Respondents : Mr.P.T.Ramkumar  
Senior Panel Counsel  
in both WPs

WEB COPY

### COMMON ORDER

These two writ petitions are filed by the petitioner, seeking to quash the orders dated 15.09.2021 passed by the third respondent, by which, the two catering stalls run by the petitioner, and similar catering stalls run by other licensees, were ordered to be closed.

2. The petitioner participated in a tender called for by the respondents - Southern Railway. The petitioner was declared as highest bidder and a Letter of Award dated 09.09.2015 was issued to the petitioner authorising him to run (i) catering stall No. SA/SMU/15/04 on Platform No. 3/4 Coach Position 14/15 towards SA at Erode Railway Station and (ii) catering stall No.SA/SMU/15/03 on Concourse at Erode Railway Station. The contract period was five years and the petitioner had been running the stall throughout the period. On expiry of the period of five years, the third respondent passed the order dated 15.09.2021, which is impugned in these writ petitions, directing the petitioner and other contractors to close the catering stall run by them and to handover vacant possession. Challenging the same, the present writ petitions are filed by the petitioner.

3. The main ground on which the present writ petitions are filed is that in identical case, the High Court of Kerala has granted interim order permitting the persons similarly placed like the petitioners to run the canteen stall, till such time an alternative arrangement is made. According to the petitioners, the same benefit has to be extended in their favour. It is also stated that the petitioners are also ready and willing to pay the licence fee for the extended period during which they are permitted to run the canteen.

4. Heard the counsel for both sides and perused the materials placed on record. It is apparent that the period, for which the petitioner was permitted to run the canteen, expired. The order, which is impugned in this writ petition, was passed by the third respondent for closure of the licensed shops after



expiry of the licence period. Therefore, this Court is not inclined to interfere with the orders, which are impugned in these writ petitions.

WEB COPY

5. It is always open to the petitioner to submit representation to the respondents and it is for the respondents to consider the claim of the petitioner to permit him to continue the licensed shop until an alternative arrangement is made.

6. Subject to the above observations, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

dhk/rsh

To

1. The General Manager  
Head Quarters Office  
Southern Railway  
Park Town Office  
Chennai - 600 003.
2. The Principal Chief Commercial Manager  
Head Quarters Office  
Southern Railway  
Chennai - 600 003.
3. The Senior Divisional Commercial Manager  
Divisional Railway Manager Office  
Southern Railways  
Salem Division  
Salem - 636 005.

+2ccs to Mr.P.T.Ramkumar, Advocate, S.R.No.55807 & 55808

WP Nos. 23201 & 23202 of 2021

SJ(CO)  
RLP(22/11/2021)