



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25761 OF 2021

K.G. Suresh Kumar

...Petitioner

Vs

1. The General Manager,
Southern Railway,
Chennai Region,
Chennai-600003.

2. The Senior Divisional Commercial Manager
Palakkad Division,
Southern Railway.

...Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd Respondent to consider the petitioner's representation dated 18.08.2021.

For petitioner : Mr.M.Sudhakaran for Mr.Uday
For Respondents : Mr.P.T.Ramkumar,
Standing counsel (Railways) for R1 & R2.

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus, directing the 2nd Respondent to consider the petitioner's representation dated 18.08.2021.

2. Mr. P.T. Ramkumar, standing counsel takes notice for the Respondents 1 & 2.

3. The case of the petitioner is that the petitioner is running a business in the name and style of K.G.S foods and Caterers. He was the highest and successful bidder in the tender called for by the Southern Railway, Chennai division to the tune of Rs.1,06,51,065/- (Rupees one crore six lakhs fifty



one thousand sixty five) which is to be paid in twelve equal instalments within a period of three years out of which the petitioner had paid the first instalment to the tune of about Rs.10,67,681/- (Rupees ten lakhs sixty seven thousand six hundred eighty one) including licence fee and other fees. However, due to COVID pandemic, the Kerala Government had declared nation wide lockdown due to which several trains through kerala were cancelled, due to which the petitioner had incurred huge loss in business and he was unable to pay the second instalment. Therefore, the petitioner made a representation on 18.09.2021 to the 2nd respondent seeking to avail the relief granted to the person who was in identical situation wherein the 2nd Respondent had reduced the license fee. However, till date no action has been taken on his representation. Hence, the present Writ Petition is filed seeking the above relief.

4. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 18.09.2021 and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Government Advocate has no serious objection on the said order being passed and appropriate orders will be passed on the petitioner's representation within a particular time frame fixed by this Court.

6. In view of the aforesaid submissions, this Court without going into the merits of the case, issues direction to the 2nd Respondent herein to consider the petitioner's representation dated 18.09.2021 and pass appropriate orders on the same in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

NHS



To

1. The General Manager,
Southern Railway,
Chennai Region,
Chennai-600003.

2. The Senior Divisional Commercial Manager
Palakkad Division,
Southern Railway.

+1cc to Mr.Karan & Uday, Advocate, S.R.No.64242

+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.64160

W.P.NO.25761 of 2021

RSV(CO)
PM/11/01/2022