

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7775 of 2019

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Rajesh Sinha Son of Late Nawal Kishore Prasad, resident of Mohallah-
Jagarnath Puri Barmasiya, Police Station- Katihar, District- Katihar.
... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, Rail Bhawan, New Delhi.
2. North East Frontier Railway, through its General Manager having its office at Maligaon, Guahati.
3. The General Manager, North East Frontier Railway, having its office at Maligaon, Guahati.
4. The Divisional Railway Manager (Commerical), North East Frontier Railway having its office at Katihar Railway Station.
5. Sr. Divisional Commercial Manager, Katihar Railway Station, Katihar.
6. The Chief Commercial Manager (Station) Katihar Railway Station, Katihar.
7. The Chief Commercial Inspector, Katihar North East Frontier Railway having its office at Maligaon, Guahati.
8. The Inspector I/C, Railway Protection Force, Post Katihar (East), North East Frontier Railway having its office at Katihar Railway Station.
9. Smt. Rekha Devi, Wife of Deepak Kumar Sinha, resident of Mohalla- Jagarnath Puri Barmasiya, Police Station- Katihar, District- Katihar.
... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG
		Mr. Radhika Raman, CGC
		Mr.Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of appropriate writ/writs, order/orders,
direction/directions for nature of certiorari quashing the letter

No.C/470/KIR catg.vending/Genl/Pt.I dated 13.03.2018 issued by the DCM/KIR by which the respondent concern has directed the petitioner that his appeal to transfer the vending unit of Late Vimla Devi in his name cannot be considered hence license of such vending unit is hereby cancelled and also directed the petitioner to vacate and remove the structure of station premises immediately by clearing due on account of license fee and other charges.

ii. For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the letter No.CS/CTG-VTG/KIR/11/17 dated 28.03.2019 issued by the Chief Commercial Inspector (Katihar), by which he directed the Inspector, RPF, Katihar to remove the structure (shop) situated at platform No.6/7 by police force since 31.03.2019 at 10.00A.M.

(iii) For issuance of appropriate writ/writs/order/orders/direction/directions for commanding the respondents to allow the petitioner to continue to run his aid stall over the said Railway Station by allowing him to continue the vending unit of late Bimla Devi who was his mother and license holder keeping in view that the petitioner is always ready to pay the entire dues for which he made several representation before the Authority concern for accepting the license fee or other charges as fixed by the Railway Authority but the Authority himself sitting tight over the matter.

(iv) For holding and declaring that the said notice for cancellation of license as well as for eviction of stall is even otherwise illegal and bad in law, as well as on fact.”

After the matter was heard for some time, learned

counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to respondent no.8, namely, **The Inspector I/C, Railway Protection Force, Post Katihar (East), North East Frontier Railway having its office at Katihar Railway Station.** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Veena/- Ishika

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA