

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8931 of 2022

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M/s Dindayal Gupta and Sons Vending Contractor, Patna Saheb Railway Station, through its partner Smt. Indu Devi, W/o Late Ram Narayan Gupta, Female, aged about 67 Years, R/o Humad Gali, Begumpur, P.S. Chowk, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna.
4. The Chief Commercial Manager, East Central Railway, Hajipur.
5. The Divisional Railway Manager (Commercial) East Central Railway, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Advocate

For the Respondent/s : Dr. K.N. Singh, Additional Solicitor General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 29-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) For issuance of a writ in the nature of certiorari for quashing of the letter No. Com/Catg/PNC/22, dated 12.01.2022, issued by the respondent no. 3 whereby license fee of the petitioner has been suddenly increased by 1850% Appx. (More than 185 times of the license fee paid by the petitioner for the year 2020) and demanded at Rs. 5,07,000/- per annum with effect from 01.11.2021 from the petitioner, contrary to the rules relating to enhancement of 10% of license fee as per the Catering Policy 2010;

(ii) For further issuance of a writ in the nature of mandamus directing the respondent's specially the Respondent No. 3 to accept the license fee calculated in terms of catering policy 2010 and do not disturb the petitioner to operate the catering stall (Trolley) at Patna Saheb Railway Station;

(iii) For a direction to the respondent to extend the platform permit issued by the respondent to the Hawker/Venders engaged by the petitioner;

(iv) For further holding and a declaration that the license fee of the petitioner can be revised and demanded from the petitioner only in accordance with the catering policy 2010, which requires the assessment of actual sales turnover of the petitioner's catering unit during the peak period and lean period at intervals of three months and not an assessment based purely on imagination and fictitious figures, by the respondent;

(v) For grant of any other relief(s) to which the petitioner is found entitled in the facts and circumstances of the present case."

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 the authority concerned **i.e. respondent no. 3, The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna** 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, during the time of current Pandemic- Covid-19 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	