

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15668 of 2021

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Hani Khatoon W/o Md. Bablu Proprietor of M/S B.H. Catering Services,
Resident of Mohalla-Isopur, P.s.-Phulwarisharif, Distt.-Patna.

... .. Petitioner/s

Versus

1. Union of India Through the Secretary, Indira Raiwaly, New Delhi.
2. The General Manager, East Central Railway, Hajipur, P.O.-Dighi Kala, P.S.-Hajipur, District-Vaishali at Hajipur.
3. The Principal Chief Commercial Manager, East Central Railway, Hajipur, P.O.-Dighi Kala, P.S. Hajipur, District-Vaishali at Hajipur.
4. The Chief Commercial Manager Catering, East Central Railway, Hajipur, District-Vaishali at Hajipur.
5. The Regional Prabandhak Pandit Deen Dayal Upadhyay, East Central Railway, Pandit deen Dayal Upadhyay Mandal Mugalsarai (U.P.).
6. The ASM Catering, East Central Railway, Pandit Deen Dayal Upadhyay Mandal Mugalsarai (U.P.).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Uday Prasad Singh, Advocate
For the Respondent/s	:	Mr.Dr. Anand Kumar, Advocate

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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 : 20-01-2022

Heard learned counsel for the parties.

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

“That this is writ petition is being filed for
issuance of writ in the nature of mandamus or any other
appropriate from demanding license fee from the
petitioner for the period from and to reduce revise and x-
fix the license fee in the manner proportionate with

opening and handing over the spot of the stall as per agreement for the period from Gaya1. Stall No. 18 GMU Catering Stall P F No. 6/7 Gaya Junction in which LOA dt. 11.06.2018, date of agreement 25.06.2018 and the site officer enquired the matter on 25/06/2018 and there after opened the same 08/08/2018 .2. stall no 19 SMU disable women Catering stall 6/7 C old platform no. 8/9 new 6/7 LOA 04/07/18 Agreement dated 20/07/18, cons dated 28/08/18 and started on 28/08/18 3. Dehri GMU Catering stall no 6 situated at Dehri-on-Sone platform no 2/3 in which LOA dated 11/ 06/18 cons on 25/06/18 Agr. 25/06/18 date of commencement on 04/10/18 start on 19/10/18 4. GMU Catering stall no 8 on plateform no 4/5 LOA dated 15/06/18 cons 04/07/18, above four stall be allotted to the petitioner under the catering policy 2017 which is elaborated in details under SBD para 3.5.5 and the no letter has been handed over to the petitioner of stall no. 8.

Gaya Railway Station and Dehri-on-Sone the petitioner is highest bidder whose rate was found with the schedule price whereas the tender has been finalized and the said stall has been allotted to the petitioner and they made an application for spot in different time but the respondent authority deceitful the license fee from the date of agreement when as the said calculation is applicable to 15 days after the date of handing over spot of the stall or process of negotiation of stall of the cost of exchange.

This, application is also being filed- for commanding the respondent to allow/ issue fresh date of license fee date and retrieve the same on Covid-19 orders which deem fit in the facts and circumstances of the case.”

3. 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 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).

4. 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.

5. Statement accepted and taken on record.

6. 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;

7. The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	