

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13182 of 2022

M/S Urvashi Hotel, Cinema Road, Hajipur, P.O.- Hajipur, P.S.- Hajipur
District Vaishali at Hajipur (Bihar) Pin Code- 844101 through Nandesh
Kumar Singh Son of Late Nawal Kishore Singh Authorized by its Proprietor.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi
2. The General Manager, East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur, District- Vaishali at Hajipur- 844101 (Bihar)
3. The Principal Chief Commercial Manager, East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur, District- Vaishali at Hajipur- 844101 (Bihar)
4. The Deputy Chief Commercial Manager, East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur, District- Vaishali at Hajipur- 844101 (Bihar)
5. The Divisional Railway Manager, East Central Railway, Danapur, P.O./P.S.- Khagaul, District- Patna 801105 (Bihar)
6. The Senior Divisional Commercial Manager, East Central Railway, Danapur, P.O./P.S.- Khagaul, District- Patna 801105 (Bihar)
7. The Senior Divisional Financial Manager, East Central Railway, Danapur, P.O.- Khagaul, P.S.- Danapur, District- Patna 801105 (Bihar)
8. The Chairman and Managing Director, Indian Railway Catering and Tourism Corporation Limited, Corporate Office, 9th Floor, Bank of Baroda Bhawan, 16 Sansad Marg, New Delhi- 110001

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Munna Pd Dixit (M.P. Dixit), Advocate
For the Respondent/s	:	Mr.Additional Solicitor General

**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 : 16-09-2022

Heard learned counsel for the parties.

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

A. That Your Lordships may graciously be pleased
to issue an appropriate writ / order /
direction in the nature of Certiorari for
quashing and setting aside the Orders dated

13.07.2022 issued by the Respondent No.6 as contained in Annexure- 5 Series whereby License fee against catering stall No.35, DLI end, PF No.06/7 and catering stall No.7, near RPF post, PF No.1 at Patna Junction have been enhanced unrealistically and unreasonably with effect from 01.11.2021 which is otherwise against Para-18.3 of Catering Policy-2010 (Commercial Circular No.35/2010).

B. That Your Lordships may further be pleased to issue an appropriate writ / order / direction in the nature of Mandamus commanding the Respondents to enhance the License fee at the rate of 10% in view of Para-18.3 of Catering Policy-2010 (Commercial Circular No.35/2010) and refund the amount if recovered in view of impugned orders dated 13.07.2022 without any delay.

C. Any other appropriate relief or reliefs may be granted in favour the Petitioner for which he is legally entitled too.

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. 6, The Senior Divisional Commercial Manager, East Central Railway, Danapur, P.O./P.S.- Khagaul, District- Patna 801105 (Bihar)** 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	