

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.606 of 2021

In
Civil Writ Jurisdiction Case No.5706 of 2020

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The Union of India & Ors.

... .. Appellant/s

Versus

Ram Naresh Rai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anshuman Singh, Advocate
Dr. Anand Kumar, Advocate

For the Respondent/s : Mr.Surendra Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 05-12-2022

Heard Mr. Anshuman Singh, learned counsel for the Union of India who seeks to assail the order dated 20.09.2021 passed by the learned Single Judge in CWJC No. 5706 of 2020, whereby the decision of the Railway authorities, particularly one dated 19th of March 2020, issued under the signature of Zonal Manager Eastern Railway Company, Sonapur, cancelling the tender agreement with the sole respondent, has been set aside.

It appears from the records that a notice



inviting offer for *Tahbazari* at Shahpur-Patoree Railway Station was issued in which the respondent was declared to be the highest bidder and an agreement was concluded with him. The respondent started collecting rent under his *Tahbazari* rights. However, on complaints of the local persons that the respondent had been making the place dirty, an enquiry was conducted in which the complaints were found to be correct. This led to termination of the contract.

Mr. Singh, learned counsel for the appellant/Union of India has submitted that long before there was a proscription for permitting railway land for *Tahbazari* rights. The officer of the Railway Administration who had issued the advertisement, seeking offers from various contenders, has been put to departmental proceeding.

The learned Single Judge set aside such decision on three grounds, viz., (i) that the agreement was concluded after following the due procedure; (ii) the



enquiry against the respondent was conducted behind his back and (iii) lastly that the order terminating the agreement was passed without serving notice upon the respondent.

These are good grounds to hold the decision of the Railway Administration, cancelling the agreement, to be bad in the eyes of law.

We find that the decision of the learned Single Judge is absolutely justified under the circumstances.

There is no merit in this appeal, which is dismissed accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

SONALI/HR/-

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