

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19319 of 2021

1. M/S. National Auto Service Agent Indian Oil Corporation Ltd., Petrol Pump, Hajipur, District- Vaishali.
2. Swaraaj Kiran Sinha @ Swaraj Kiran Sinha Son of Late Suresh Prasad Sinha and partner and proprietor of petitioner no. 1 aforesaid Resident of Village- Bagwatpur, P.S. Sarai Ranjan, District Samastipur and at present residing at Mohalla- Pokhara, Magistrate Colony, P.S.- Town, Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, Eastern Central Railway, Hajipur.
2. The General Manager, Eastern Central Railway, Hajipur.
3. The Divisional Rail Manager, (Engineering), Eastern Central Railway, Sonapur.
4. The Assistant Divisional Finance Manager, Eastern Central Railway, Sonapur.
5. The Divisional Engineer, Eastern Central Railway, Sonapur.
6. The Section Engineer (Works) Hajipur, Eastern Central Railway, Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akshay Lal Prasad, Advocate Mr. Ajit Anand, Advocate Mr. Birju Prasad, Advocate
For the Respondent/s	:	Mr. Ramadhar Shekhar (Addl. S.C. Railway) Mr. Abhinay Raj, Advocate Mrs. Kanak Verma, Advocate

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

Date : 30-06-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-



- (a) For setting aside the impugned letter no.W/214/Telplant/Hajipur/W-5 dated 17.09.2021 (Annexure-18 Series) issued by the Divisional Rail Manager (Ungg.), Sonapur (Respondent no.3) alongwith calculation of license for (rent) by which the rent (3rd base value Rs.7,000/-) has been revised retrospectively from 01.04.1986 by increasing 10% every year of base value of Rs.7,000/- per annum for the Rs.17,500/- sq. ft. of Railway Land near Railway Station at Hajipur already been given to the petitioners for operating Petrol Pump (Retail Oil Department) and after the aforesaid retrospectively enhancement since 01.04.1986, the License fee/rent has been fixed Rs.3,38,768/- per annum i.e. for the period of 01.04.2002 to 31.03.2003 (2002-03) as per calculation chart and also directed the petitioner to deposit a difference of total amounting Rs.1,51,35,785/- (One Crore Fifty One Lakh Thirty Five Thousand Seven Hundred Eighty Five) only in favour of F.A. & C.A.O., E.C. Railway/Hajipur within 07 days failing which action will be taken under Railway Act.
- (b) For setting aside the impugned letter no.W/1-1/Dukan/Hajipur dated 20.09.2021 (Annexure-19) issued by the Section Engineer (Works), Hajipur (Respondent no.6) by which directed the petitioner to deposit the due License fee (rent) within 07 (seven) days and vacate the serial Railway Plot otherwise action will be taken in accordance with Railway Act.



- (c) For directing the respondent authorities to fix the License Fee/Rent of the petrol pump of the petitioner from base value of Rs.14,000/- per annum since 01.04.2008 which was recently revised on 01.03.2008 from 3rd base value of License fee/Rent Rs.7,000/- with consent of the parties as stated in detail in paragraph no.9 of the instant writ
- (d) For directing the respondent authority to prepare fresh calculation chart from the year 2010-2011 on the base value of Rs.14,000/- per annum to till date (not from the enhance rent since 1986) and to adjust the advance rupees which has been paid by the petitioner vide Annexure-11 of the writ petition.
- (e) For directing the respondent authorities to not take any action pursuant to the impugned letter which contained in Impugned Annexure-2 Series to this writ petition and further be pleased to stay the same during pendency of this case.
- (f) For granting any other relief/reliefs as the petitioners are entitled for in the eye of law.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioners,



under instructions, states that petitioners shall be content if the petitioners are permitted to withdraw the present petition reserving liberty to initiate appropriate proceedings before the appropriate forum and/or take recourse to such other alternative remedies, equally efficacious in law.

Permission granted.

We are sure that as and when any such proceedings are initiated, the same shall be considered and decided in accordance with law.

Needless to add, the authorities/adjudicative body shall pass a reasoned order in accordance with law.

Needless to add, period for which the petitioners has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand



disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	04.07.2022
Transmission Date	

