

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2364 of 2020

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Santosh Kumar S/o Rampujan Sah @ Rampujan Prasad, Resident of Mohalla-Shardanagar, Opp. Hotel Ashirwad, Ward No.-16 Chakmahila, Sitamarhi Bazar, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi.
2. Divisional Railway Manager (Engineer) East Central Railway, Samastipur.
3. Divisional Engineer, East Central Railway, Samastipur.
4. Divisional Zonal Manager, Sonepur Division, Hajipur.
5. Senior Section Engineer, Works, East Central Railway, Darbhanga.
6. Assistant Divisional Engineer-1st, Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Pradeep Kumar Sinha, Advocate
For the Respondents	:	Mr. Ramadhar Shekhar, Addl. S.C.
		Mr. Abbas Haider, Advocate
		Mr. Arvind Kumar Tiwary, Advocate
		Mrs. Kanak Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 28-06-2022

Heard learned counsel for the parties.

2. The petitioner has prayed for issuance of appropriate writ for quashing the demand notice dated 30.01.2017 (Annexure-3) issued by respondent no.2 as well as dated 09.07.2019 (Annexure-4) issued under the signature of the



respondent no.6 whereby the petitioner was directed for payment of outstanding rent/license fee on revised enhanced rate for an amount of Rs.86,177.89 till March, 2019 for the shop bearing shop/plot No.26 in the premises of Sitamarhi Railway Station allotted by the railways.

3. The grievance of the petitioner is against the demand made by the respondent-East Central Railway to pay the arrears of rent on the basis of revised license fee for the shop allotted to him.

4. Mr. Pradeep Kumar Sinha, learned counsel appearing on behalf of the petitioner has produced before us a Single Bench decision of this Court rendered on 04.11.2019 in CWJC No.18109 of 2018 (*Vijay Sah vs. The Union of India & Ors.*). He has also produced before us a Division Bench judgment of this Court rendered on 30.11.2021 in CWJC No.10877 of 2020 (*Sanjay Kumar @ Sanjay Kumar Barbaria vs. The Union of India & Ors.*). He contended that the present application may also be disposed of in the same terms as indicated in case of *Vijay Sah* (supra).

5. Relevant portion of the order dated 04.11.2019 in the case of *Vijay Sah* (supra) reads as under :-

“After hearing learned counsel for the petitioner and learned counsel for the Railways



and upon perusal of the statements made in the counter affidavit, this Court is of the considered opinion that the petitioner has submitted a copy of representation as contained in Annexure '4' to the writ application to the General Manager, East Central Railway, Hajipur, Vaishali who will look into the grievance of the petitioner, shall examine all these issues raised by him and shall take an appropriate decision with an intention to amicably resolve the dispute in terms of the agreement. In case the dispute cannot be resolved amicably, the parties may invoke the relevant provision of the agreement which talks of resolution of dispute through arbitration. In this regard it has been submitted that although in Clause 24, the General Manager, East Central Railway has been named as 'विवाचक' (Arbiter), now in view of the amendment of the Arbitration and Conciliation Act, 1996, he cannot act as Arbitrator. At this stage, this Court would only observe that in case the parties have, in terms of Clause 24, decided to get the matter resolved through arbitral process, it will be open for them to agree on the mode of appointment of the Arbitrator if occasion so arises. Till a decision is taken by the General Manager, East Central Zone, Hajipur on the representation of the petitioner, no coercive action shall be taken against him to forcibly evict from the



premises.”

6. The Division Bench has passed the following order in the case of **Sanjay Kumar** (supra) : -

“Learned counsel are ad idem that the present case is squarely covered by a judgment dated 04.11.2019 rendered by a learned Single Judge of this Court in CWJC No. 18109 of 2018 (Vijay Sah v. Union of India and Others) as also by a judgment dated 06.11.2020 rendered by a learned Single Judge of this Court in CWJC No. 8604 of 2020 (Bharat Kumar Agarwal @ Bharat Kumar vs. The Union of India and Others) and another analogous cases.

We, thus, dispose of the instant case with the same direction and observation as has been made in the aforesaid judgment dated 04.11.2019 (supra) and 06.11.2020 (supra).”

7. Learned counsel appearing for the East Central Railway states that he has no objection in case the case of the petitioner is disposed of in terms of the aforesaid orders passed by this Court.

8. Considering the submissions made on behalf of the parties and the above-mentioned orders of this Court, this



application is also disposed of in the same terms, accordingly.

(Ashwani Kumar Singh, J.)

(Dr. Anshuman, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2022
Transmission Date	NA

