

23.11.2022
Ct. 5
D/L 19
ab

WPA 10215 of 2022

Kalidas Roy
-Vs-
Union of India & Ors.

Mr. Achintya Kumar Banerjee,
Ms. Indumouli Banerjee

... for the petitioner

Ms. Sanjukta Gupta

... for the Railways

After making extensive submissions on merits, learned counsel appearing for the parties point to two representations made by the petitioner to the Railways on 10th December, 2020 and last on 11th February, 2022. The representations were made after an order passed by the Railways on 1st October, 2018 directing the petitioner to vacate the Bookstall at Baruipur Railway Station and remove the structure within a specific timeframe.

The petitioner relies on the fact that the petitioner has run the Bookstall from 1980. The petitioner says that the petitioner's brother was the original licensee who died in 2005. The petitioner claims to be the sole surviving heir of the original licensee.

The Railways rely on Clause 16 of the Multi Purpose Stall (MPS) Policy dated 5th September, 2017 by which transfer of licence to the legal heir is permissible only in the event of death of the original licensee and nomination made in favour of the legal heir by the licence holder at the time of entry into the contract with the Railways.

It may be noted that the Clause 11.3 of the Policy makes a provision for existing bookstalls being given an option to convert to MPS subject to payment of licence fee. Significantly, the impugned order does not mention the 2017 Policy at all. There is also no answer to the Railways sitting tight over two representations and not caring to respond to the same.

WPA 10215 of 2022 is disposed of with a direction on the Railway Authorities to dispose of the representations made by the petitioner within a period of two weeks from the date of communication of this order but not beyond three weeks from date. The petitioner shall be heard and the Railways should pass a reasoned order which shall be communicated to the petitioner within a week from the date of passing such order.

(Moushumi Bhattacharya, J.)