



WEB COPY



W.M.P.No.12395 of 2017

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in

W.P.No.13914 of 2012

N. SATHISH KUMAR,J

The modification application has been filed to modify the directions contained in para 6 of the order dated 01.10.2012 to the effect that directing the respondents to grant temporary extension of licence as sought for in the Writ Petition on condition that the petitioner shall cease to operate the Automatic Vending Machines as and when the new licensee comes to the picture after finalization of the contract.

2. It is the contention of the learned Standing Counsel Mr.P.T.Ramkumar, appearing for the Railways, that the relief sought for in the Writ Petition is to extend the licence upto 20.01.2013, whereas the learned counsel would submit that this Court considering the other writ petitions relating to other stalls has passed such an order in para 6. It is the contention that the Writ petitioner has already filed extension of time of the Automatic Vending Machine stalls in Allahabad and Delhi High Court, wherein similar prayer has been sought for in those petitions. However, Courts of Allahabad and Delhi have rejected the claim. Since the writ



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petitioner has no pre-existing right is only a licensee he cannot insist the

Railways to grant licence squatting on the property till the other successful bidder comes to the possession. The same has been suppressed before this Court.

3. It is the further contention of the learned counsel that the writ petitioner taking advantage of the direction in para 6, though he sought extension till 20.01.2013, he has been squatting on the property till 2020. The Railways also floated two tenders in the year 2016 and 2019 knowing very well about the tender the writ petitioner conveniently remained away from the tender process and has not participated. Now the shops have been closed from March 2020 has not been open now. The Railways also taken a policy decision to close the shops and convert it to catering. In such view of the matter, it requires modification.

4. This Court instead of modifying para 6 of the order dated 01.10.2012 is of the view that as the prayer itself is sought only for a period till 20.01.2013 and he is only licensee, the licensee has no right whatsoever to remain in the property. Closure of shops from 2020 are not disputed by



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the counsel. In such view of the matter, the Railways can take appropriate decision on their own either to convert to catering stalls or any other purposes.

With the above observation, the Writ Miscellaneous Petition is closed.

30.09.2022

kpr

Internet: Yes

Speaking/Non speaking order



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