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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.5039 of 2022(O&M)
Date of Decision: 12.05.2022

M/s Leelawanti Wadhawan

-Petitioner

Versus

Chairman Railway Board and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the petitioners.

Mr. Indresh Goel, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for the issuance of an appropriate writ in the nature of mandamus, seeking issuance of necessary directions to respondents No.3 and 4 to adhere and comply with the letters dated 21.05.2019 and 27.08.2019 issued by Railway Board (Apex Railway Body) and further not to interfere with catering stalls/GMUs functional in the name of petitioner at Ambala Cantt., Railway Station.

Earlier CWP No.18062 of 2017 was filed and the same was decided on 06.12.2021 by a detailed order by this Court. It was observed that the controversy involved in the said

petition was similar to that of connected case i.e. **CWP No.7480 of 2021** titled **K.K. Kapoor & Sanjeev Kapoor Vs. Union of India and others** disposed of on 15.07.2021. It was observed thereafter that the petitioner would be permitted to operate the snack bar in question till fresh allotment by respondents No.5 and 6 is made. The said order was however without prejudice to the rights of the petitioner to participate in the process of fresh allotment as well as seeking renewal of his licence in terms of the judgment of the Hon'ble Apex Court in **Senior Divisional Commercial Manager and Others Vs. SCR Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association and another, 2016 AIR (SC) 668.**

The case of the petitioner was also decided in the context of seeking extension of validity of catering licence and functional at stall No.12 operating at platform Nos.6 and 7 at Ambala Cantt. Railway Station. The prayer was that till fresh allotment is made in favour of new incumbents on the basis of finalization of fresh tenders by the respondents, the petitioner be allowed to function at the site as per food licence under the Catering Policy of 2010 and 2017 or in view of ratio laid down in **Senior Divisional Commercial Manager and Others case (supra).**

At the time of passing of order dated 06.12.2021,

allotment in favour of the incumbents was in offing.

Today, learned counsel for the respondents has placed on record an information in respect of allotment of 8 shops/stalls in favour of different allottees to show that the respondents have received three and a half times of rental from that of the petitioner. The possession has already been delivered to the new allottees in accordance with law.

Evidently, the petitioner has not participated in the tender allotment process. Letters dated 21.05.2019 and 27.08.2019 were not part of CWP No.18062 of 2017.

In view of aforesaid factual matrix of the case, no interference is called for under writ jurisdiction of this Court.

Dismissed.

12.05.2022

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No