

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2033 of 2023

=====

Ramekabal Ray @ Ram Eqbal Rai S/o Late Sri Bhimiri Rai, Resident of
Sridilpur, P.S. - Patori, District - Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through Secretary Railway.
2. The Divisional Rail Manager, Sonpur.
3. The Senior Divisional Commercial Manager, East Central Railway, Sonpur.
4. The Asstt. Commercial Manager, East Central Railway, Sonpur.
5. The Station Superintendent, Akshaywat Rai Nagar Railway Station. X
6. The Station Superintendent, Mahnar Road.
7. The Station Superintendent, Mohiuddin Nagar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Respondent/s : Mr. Additional Solicitor General
For Railway : Mr. Arvind Kumar Tiwari

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 13-07-2023

In the instant petition, the petitioner has prayed for
the following relief:-

*“That the present writ application is
being filed in the nature of certiorari for*



challenging the order dated 16.1.2023 passed by Divisional Rail Manager (Commercial) Sonpur whereby and whereunder the License for running a parking stand in three different Railway station i.e. Akshaywat Rai Nagar Railway Station, Mahnar & Mohiuddin Nagar was cancelled on the ground that he was failed to deposit the 2nd license fee and further be pleased to hold that parking is free to all.”

2. The petitioner was successful bidder insofar as parking stand of four wheeler, three wheeler, two wheeler and cycles in the three railway station. Such a contract has been cancelled /terminated on the score that the petitioner failed to deposit the second license fee etc. Perusal of the cancellation of contract, it is evident that the petitioner has not been heard in the matter and it is not disputed by the respondent-Railway Authorities.

3. Accordingly, the present petition stands allowed while setting aside the impugned order dated 16.01.2023, (Annexure-3), passed by learned Divisional Rail Manager (Commercial), Sonpur reserving liberty to the concerned official respondent to proceed in accordance with law after due detailed notice and receipt of the petitioner's explanation and thereafter proceed to pass final order even if petitioner fails to submit his



explanation. The above exercise shall be completed within a period of two months from the date of receipt of this order.

4. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/ashish
kr/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.07.2023
Transmission Date	

