

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4495 of 2023

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1. Pramendra Sah Son of Late Balmiki Sah Resident of Village- Bakhari Nagar Panchayat, P.s.- Bakhari, District- Begusarai.
 2. Babalu Sah @ Bablu Sah, Son of Late Rameshwar Sah Resident of Village- Dhamaraghat, P.S.- Mansi, District- Khagaria.
 3. Mukesh Mahto, Son of Late Shankar Mahto Resident of Village- Pandav Nagar, Near Olapur, Railway Station, P.S.- Gangour, District- Khagaria.
 4. Murari Kumar Saha, Son of Late Thakur Prasad Sah Resident of Village- Murliganj, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The General Manager, East Central Railway Zone- Hajipur.
2. The Divisional Railway Manager, East Central Railway Division, Samastipur.
3. The Divisional Commercial Manager, East Central Railway Division, Samastipur.
4. The Railway Station Master, Salauna Station, District- Begusarai.
5. The Railway Station Master, Dhamaraghat Station, District- Khagaria.
6. The Railway Station Master, Olapur Station, Dist.- Khagaria.
7. The Railway Station Master, Murliganj Station, Dist.- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar, Advocate
For the U.O.I. : Mr. Sujeet Kumar Sinha, C.G.C.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 25-04-2023

Heard the parties.

2. The petitioner, by way of this writ petition, has
prayed as under:-

*“1. That this writ application is being filed
for following reliefs:-*



(i) For issuance of writ in the appropriate nature for quashing of the order dated 31.8.2022 issued under the signature of the Divisional Railway Manager (Commercial), East Central Railway, Samastipur whereby and where under misinterpreting the provision has rejected the claim of the petitioner communicated vide letter dated 31.8.2022 in utter violation of the order passed by this Hon'ble Court in CWJC No. 4320/2020.

(ii) For further direction to the Respondent authorities to consider afresh for renewal of vender licence which were issued in the name of the father of the petitioners as fathers of the petitioners died.

(iii) And for any other relief/reliefs for which the petitioners are found to be entitled in the eye of law.”

3. Admittedly, a speaking order was passed by the respondents and the fact that the license awarded to his deceased fathers of the petitioners had left much prior to the date when the representation was made, this Court is satisfied that the period of contract cannot be extended, after the same is over. In terms of Para 21 of the Railway Board Circular dated 27.07.2010, the license awarded to the original licensee can be transferred in name of the spouse/legal heir for the unexpired period of agreement only.

4. Keeping in view the aforesaid facts as the term of agreement stands already expired, the same cannot be extended by judicial order. At best, claim of damages cannot be claimed, provided the individual petitioner is able to prove that



his application was filed during the period of the pendency of the contract.

5. For the said purposes, the writ petition would not be maintainable.

6. In view thereof, the writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 32

AFR/NAFR	
CAV DATE	
Uploading Date	26.04.2023
Transmission Date	

