

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2465 of 2022

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Ram Swarath Rai alias Ram Swarath Roy alias Ram Sogarath Ray Son of Late Lal Das Ray, Resident of Rampur Shyam Chand, District - Vaishali, Bihar - 844508 through his power of attorney holder namely Satyanarayan Kumar, male aged about 29 years, Son of Ram Swarath Rai Resident of Rampur Shyam Chand, Raghapur, District - Vaishali, Bihar - 844508.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna.
4. The Chief Commercial Manager, East Central Railway, Hajipur.
5. The Divisional Railway Manager (Commercial), East Central Railway, Danapur, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6932 of 2022

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M/s Panchu Ram and Sons a Vending Contractor Having its Catering Stall at Danapur Railway Station, East Central Railway Danapur, P.O. Khagaul, Patna through One of its Partners Namely Braj Kishore Sharma Male aged about 66 Years Son of Late Panchu Ram Resident of jai Ram Bazar Khagaul, Dinapur Cum Khagaul, District-Patna, Bihar-801105 through his authorised representative namely Niketan Kumar Male Aged About 38 Years Son of Braj Kishore Sharma Resident of Jai Ram Bazar Khagaul, Dinapur Cum Khagaul, District-Patna, Bihar-801105.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna.
4. The Chief Commercial Manager, East Central Railway, Hajipur.
5. The Divisional Railway Manager (Commercial) East Central Railway, Danapur, Patna.

... .. Respondent/s

with



Civil Writ Jurisdiction Case No. 14764 of 2022

Chandra Pal Singh S/o Late Sudama Singh, Vending Contractor, Jamui Railway Station, Resident of Village-Narsauta, P.O.-Malaypur, District-Jamui.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna.
4. The Chief Commercial Manager/catering, East Central Railway, Hajipur.
5. The Divisional Railway Manager (Commercial) East Central Railway, Danapur, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15121 of 2022

Kusum Devi W/o Late Shashi Kumar, Vending Contractor, Ara Railway Station, Resident of Gali No. 2, Maharaja Hata, P.S.-Nawada, District-Ara.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna.
4. The Principal Chief Commercial Manager, East Central Railway, Hajipur.
5. The Divisional Railway Manager (Commercial) East Central Railway, Danapur, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17218 of 2022

M/s Jai Bihari Lal and Sons, Vending Contractor, Danapur Railway Station through its partner Srikant Bihari Lal, Male aged about 31 Years, son of Sri



Pramod Bihari Lal, R/o Main Road, Bihari Lane, P.S. Danapur Cantt.,
District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna.
4. The Principal Chief Commercial Manager, East Central Railway, Hajipur.
5. The Divisional Railway Manager (Commercial) East Central Railway, Danapur, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2465 of 2022)

For the Petitioner/s : Mr.Gautam Kumar Kejriwal
For the UOI : Mr. Kumar Priya Ranjan, CGC
Mr. Girish Nandan Abhishek, Adv.
Ms. Nirmala Singh, Adv.
Mr. Vibhuti Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 6932 of 2022)

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate
Mr. Atal Bihari Pandey, Adv.
Mr. Alok Kr. Jha, Adv.
For the Respondent/s : Mr. Arvind Kr. Tiwary, CGC

(In Civil Writ Jurisdiction Case No. 14764 of 2022)

For the Petitioner/s : Mr.Prakash Chandra Agrawal, Advocate
For the Respondent/s : Mr.Additional Solicitor General

(In Civil Writ Jurisdiction Case No. 15121 of 2022)

For the Petitioner/s : Mr.Prakash Chandra Agrawal
For the Respondent/s : Mr.Additional Solicitor General

(In Civil Writ Jurisdiction Case No. 17218 of 2022)

For the Petitioner/s : Mr.Prakash Chandra Agrawal, Adv.
For the Railway : Mr. Ram Anurag Singh, CGC

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 09-10-2023

Heard the learned counsels for the parties.



2. All the writ petitions are disposed of together by a common order as the prayer sought in all these writ petitions is substantially the same. All these writ petitions challenge the decision of the respondent authorities in enhancing the license fee substantially and manifold then the present rates with effect from 2018 and directing to the petitioners to pay the arrears of the enhanced licence fee failing which the petitioners were directed to vacate the premises besides being black listed as illegal, bad and arbitrary among other prayers.

3. Learned counsel appearing on behalf of the petitioners states that the issue involved in the present writ petition is squarely covered by the Judgment of this Hon'ble Court dated 09.01.2023 passed in CWJC No. 17873 of 2023. The counsel for the Respondents has not controverted the above statement and fairly stated that this Court may pass similar orders in terms of the Judgment passed in CWJC No. 17873 of 2023 wherein this Hon'ble Court has held as under:-

“19. For the afore-noted reason, we hold that the fixation of licensee fee at variance with respect to the stalls held by the petitioner without any assessment as contemplated under Clause 18.3 of the Catering Policy of 2010, is a wrong exercise of power which cannot be



sustained in the eyes of law.

20. The same is thus set aside.

21. The matter is remitted to the Railway Administration to make a fresh assessment as contemplated under Clause 18.3 and only thereafter fix the new license fee.

22. This exercise ought to be done within a period of three months, to be counted from the date of passing of the order/ production of a copy of this order before the concerned Authority of the Railways.

and further held as under:-

32. In case the license of the petitioner is to be retained and renewed, the fee must be fixed only after appropriate assessment of turnover of sales as contemplated under Clause 18.3 of the Catering Policy of 2010.

33. It goes without saying that while making such assessment, the Railway Administration shall take into account the lean period of the Covid -19 times before finally arriving at a figure which should form part of the license fee.

34. We say so for the reason that the Railway Administration has already admitted of such difficult times for the licencees during the Covid period.

35. Till the time a final exercise is made and on a fresh assessment, new license fee is fixed, the petitioner shall be allowed to run



all the catering units in accordance with the earlier agreement.

4. Having regard to the above, the impugned order passed by the Respondent authorities are set aside. The writ petitions stands disposed of with the above direction.

(A. Abhishek Reddy , J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.10.2023
Transmission Date	

