

M/L. 21.
October 9, 2023.
MNS.

WPA No. 23160 of 2023

Subhash Sardar
Vs.
Eastern Railway and others

Mr. Simanta Kabir,
Mr. Kalyan Ghosh,
Ms. N. Nath,
Mr. Avik Pramanick

... for the petitioner.

Mr. Sanajit Kumar Ghosh,
Ms. Anamika Pandey

...for the railway authorities.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner makes an innocuous prayer. The petitioner runs a garage on licence near a railway station, which are the premises of the railway authorities. A claim was made on July 31, 2023 for certain payments in that regard by the railway authorities. The petitioner made a part of such payment on August 4, 2023 and sought for certain further time to pay the rest.
3. However, by the impugned notice dated September 6, 2023, the railway authorities terminated the licence of the petitioner.

4. Since it transpires that the railway authorities were, in the first place, agreeable to continue with the licence of the petitioner subject to payment of certain amount by the petitioner, to which the petitioner conceded in principle, and also keeping in mind the fact the petitioner paid a part of such amount, another opportunity ought to be given to the petitioner to make good the rest of the payment before terminating the contract of licence.
5. Accordingly, since the petitioner submits that the petitioner is agreeable to pay the balance claim made by the railway authorities by October 13, 2023, WPA No. 23160 of 2023 is disposed of by setting aside the impugned termination notice of the licence of the petitioner dated September 6, 2023 (Annexure P/7 at page 52 of the writ petition) subject to the petitioner paying the balance dues of the claim made by the railway authorities on such count by October 13, 2023.
6. In default of payment of such amount by the petitioner, latest by October 13, 2023, however, this order shall stand automatically recalled and the writ petition shall be deemed

to stand automatically rejected without further reference to court.

7. There will be no order as to costs.
8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)