

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 2765 of 2022

**Prameswar Sah
-Versus-
Union of India & Ors.**

**For the Petitioner : Mr. Ujjal Ray,
Mr. Arpa Chakraborty**

**For the N.F. Railway : Mr. Sudipto Kr. Mazumdar,
Ld. D.S.G.,
Mr. Ajoy Kumar Singhania**

Heard & Judgment On : 3rd February, 2023.

Bibek Chaudhuri, J.

The petitioner is aggrieved against the denial of his application for renewal of licence by the respondents particularly respondent nos. 3 and 4. Denial of extension of licence compelled the petitioner to file the instant writ petition.

It is the case of the petitioner that the petitioner is a licensed vendor of selling beverages and tea at Falakata Railway Station commonly called "Dalla". For the purpose of carrying on such business inside the Railway Station a licence is required. Petitioner

was granted such licence issued by the respondent no. 3 initially on 22nd June, 2011 with effect from 1st November, 2010. Subsequently, time to time the said licence was renewed by the respondent authority. Before renewal of such licence, the petitioner was under medical examination by the Railway Authority to ascertain as to whether he was suffering from any infectious and contagious disease which might prevent him from dealing with the business of selling beverages and tea. Medical examination report has been annexed with the instant petition and it is found that petitioner was not suffering from any such disease. Subsequently, on 15th March, 2017 a commercial circular No. 22/2017 was issued by the Director (Tourism and Catering) Railway Board. The petitioner was found to be the competent person for renewal of licence as per the said circular and the licence was renewed from 11th March, 2019 to 10th March, 2020. The petitioner subsequently made representation for renewal of licence which the respondent authority denied. Hence, the instant writ application.

It is submitted by the Deputy Solicitor General on behalf of the respondents that at present entire system of vending food materials has been changed by the Railway Board. It is decided by the Railway Authority that the Railway stations will be upgraded according to their grade. The Railway stations are divided into four grades like 'A', 'B',

'C' and 'D'. Falakata station falls within 'D' category or grade. The Railway Authority has also changed the old policies of food catering and vending system and it is decided that henceforth permission for food catering and vending would be made online and the participants will be entitled to file application in online portal for consideration of Railway Board. Since the petitioner has not filed any application through online portal as per the present system of vending food beverages and tea in grade – 'D' station, i.e., Falakata, his licence was not renewed. The learned Deputy Solicitor General has referred to the Clause No. 11.2 of the Notification No. 2016 dated 27th February, 2017 issued by the Ministry of Railway regarding catering policy. Clause 11.2 describes the tenure of food plaza shall be for a period of nine years. Policy of all other catering units (major units and minor units) will be for a period of five years only. There will be no further extension/renewal except for units specially referred to in paragraph 3.8.1. However, it is frankly submitted by the learned Deputy Solicitor General that the petitioner was not informed about such policy in reply to his representation.

In view of such circumstances, the instant writ petition is disposed of directing the respondent no. 3 to dispose of the representation submitted by the petitioner on 6th May, 2022 after giving opportunity to the petitioner of hearing within eight weeks from

the date of this order. The decision of the respondent authority shall be communicated to the petitioner within two weeks thereafter.

The instant writ petition is accordingly disposed of on contest, however, without cost.

Since the respondents have not filed any affidavit-in-opposition all the contentions made by the petitioners is deemed to be denied by the respondents.

(Bibek Chaudhuri, J.)

**Srimanta, A.R.(Ct.)
Item No. 9.**