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W.P.No.27088 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.27088 of 2023
and W.M.P.Nos.26532 and 26533 of 2023

M.Dhanalakshmi

... Petitioner

Vs.

1.Union of India
Ministry of Railways
Railways Board,
New Delhi.

2.Senior Divisional Commercial Manager
Office of Divisional Office-Commercial Branch
Southern Railway
Tiruchirapalli.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, calling for the records relating to communication of the second respondent bearing reference No.T/C.79/MPS/TNM dated 28.07.2023 and quash the same as unfair, unconstitutional and unreasonable and consequently direct the respondents to renew the license of the petitioner as they have been doing in the other cases of Vegetarian Light Refreshment Stalls and Fruits and



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Vegetarian Stalls.

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For Petitioner : Mr.A.K.Rajaraman

For Respondents : Mr.K.Srinivasa Murthy,
SPCCG for R1 and R2

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner herein is running a multipurpose stall in Thiruvannamalai Railway Station and her license period is getting expired this month. The petitioner claims that she is not required to participate in the auction based on the Judgement of the Hon'ble Supreme Court in C.A.Nos.618 to 620 of 2016, dated 29.01.2016.

3.Mr.K.Srinivasa Murthy, the learned Special Panel Counsel (CG) takes notice for the respondents, and submitted that the petitioner was granted a license to run a multipurpose stall in Thiruvannamalai Railway Station, wherein it has indicated that it is only for a period of five years. As per the policy decision of the Indian Railways, on the expiry of the license period,



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every kind of stall in a Railway Station can only be auctioned, and hence it might not be possible for the Railways to extend the license period of the petitioner in breach of the policy.

4.Mr.A.K.Rajaraman, the learned counsel for the petitioner relied on a Judgement in *Senior Divisional Commercial Manager & Ors. vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association & Anr.* [(2016) 3 SCC 582], and submitted that the Hon'ble Supreme Court itself has held that it would affect the livelihood of those who depend solely on vending in the Railway Stations.

5.This Court understands the difficulties now faced by the petitioner, but it is also under obligation to respect the policy decision of the Southern Railways. This Court, therefore merely requires the first respondent to consider the representation of the petitioner, and do the needful within the framework of law.

N.SESHASAYEE, J.



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Anu

6.The writ petition stands disposed of accordingly. No costs. Consequently,
the connected miscellaneous petitions are closed.

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Anu

Index : Yes / No

Neutral Citation : Yes / No

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