



WP (MD) No.12323 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.12323 of 2018

and

WMP (MD) No.11192 of 2018

S.Nagarajan

... Petitioner

Vs

1.The Senior Divisional Manager,
Southern Railway,
Divisional Office,
Madurai.

2.The Divisional Commercial Manager,
Southern Railway,
Divisional Office,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relaing to the impugned proceedings passed by the 2nd respondent for the 1st respondent in No.U/C79/Termination and their consequential proceedings in U/C79/CBS/MDU/PF 2 and 3 both dated 29.05.2018 and and quash the same as illegal and for a consequential direction directing the respondents to grant extension for running the stall until finalisation of a new tender in the light of the proceedings in No.2016/TG-



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III/600/1 dated 28.12.2017 issued by the Railway Board and by considering the petitioner's last representation dated 05.06.2018.

For petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.K.R.Laxman

ORDER

The petitioner a licensee, who was running a catering stall in Plot Form Nos.2 and 3 in Madurai Railway Station for a period of 9 years from 2008 to 2017, has filed this writ petition in the year 2018 as against the orders of the 1st respondent directing the petitioner to remove the construction put up by him on or before 01.06.2018.

2.The learned Counsel for the petitioner submits that the petitioner belongs to Scheduled Caste community and the shop was allotted only under the Scheduled Caste category and if the respondents remove the stall, his entire family would suffer.



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3.The learned Counsel for the respondents submits that this petitioner was granted with license only for a period of nine years from 2008-2017. However, during the period of license, the petitioner has put up the structure in excess beyond the permitted limit. For violation of the licences conditions, the petitioner was slapped with penalty for 8 times. The petitioner's request for renewal of license was rejected by the respondents. Challenging the same, the petitioner had earlier filed a writ petition in WP(MD)No.14716 of 2017 and the same was dismissed by order dated 13.11.2017. As against the same, the petitioner has filed a writ appeal in WA(MD)No.1462 of 2017 and the writ appeal was dismissed by order dated 18.04.2018.

4.This Court considered the rival submissions made and perused the materials placed on record.

5.The petitioner was granted with license only for a period of nine years. The period of license is also over. The request of the petitioner for renewal of the licence was also rejected by the respondents and it was also



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confirmed in the writ appeal. Even after the expiry of the license, the petitioner is not justified in occupying the shop and due to the same, it is reported that the respondents suffered revenue loss. Therefore, this court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed with liberty to the respondents to remove the structure put up by the petitioner. No costs. Consequently connected miscellaneous petition is closed.

13.12.2023

dsk

To

- 1.The Senior Divisional Manager,
Southern Railway,
Divisional Office,
Madurai.
- 2.The Divisional Commercial Manager,
Southern Railway,
Divisional Office,
Madurai.



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B.PUGALENDHI, J.

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