



W.P(MD)No.23329 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23329 of 2023

and

W.M.P.(MD)No.19513 of 2023

A.Habeebullah

... Petitioner

Vs.

The Assistant Commercial Manager/
The Senior Divisional Commercial Manager,
Divisional Office,
Southern Railways, Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in No.U/C79/CATGSTALL/SCT and DG PF 2 and 3 / PF 4 and 5 dated 31.08.2023 on the file of the respondent and quash the same.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.K.Govindharajan
DSGI

ORDER

Heard both sides.



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2. The petitioner was granted license to run three catering stalls.

The details are as follows:-

S.No.	Catering Stall Category/ Railway Station	Annual License Fee	License Period	Extension upto	Last Payment of Quarterly License Fee
1.	B Category/ Sengottai	Rs.6,45,460/-	27.11.2018- 26.11.2023	21.03.2025	17.10.2023
2.	A Category/ Dindugul PF 2/3	Rs.9,21,580/-	27.11.2018- 26.11.2023	22.07.2024	17.10.2023
3.	A Category/ Dindigul PF 4/5	Rs.6,45,460/-	29.10.2018- 28.10.2023	22.07.2024 (Surrendered 13.01.2024)	17.10.2023

NOTE:*License fee will be escalated by 10% over previous year license fee for fourth year. License fee for 4th and 5th year will remain the same.*

The petitioner paid the annual license fee at one go in advance. However, the rider agreement was entered into between the petitioner on the one hand and the divisional officers on the other providing for payment of the annual license fee in four quarterly payments. This was frowned upon by the board which pointed out that such rider agreement is contrary to the mandatory provision set out in the railway manual. The rider agreement was therefore cancelled and the petitioner was called upon to pay the balance amount at one go. Challenging the same, the present writ petition came to be filed.



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3. When the matter was taken up for hearing, it was submitted by both sides that 'A' stall category / Dindigul Platform 4/5 had already been surrendered by the petitioner. The matter has become infructuous as far as that stall is concerned. As regards Sengottai/B Category stall, license is valid upto 21.03.2025. The petitioner has already paid the license fee till the end of December 2023. He is permitted to pay the next quarterly payment thereafter ie., upto 21.03.2024. The last year annual license fee shall be paid at one go in advance. As regards A category stall / Dindigul Platform 2/3, license is valid upto 22.07.2024. The petitioner has already paid the license fee upto 22.01.2024. On 22.01.2024, the entire balance amount shall be paid at one go. I make it clear that relief is granted to the petitioner only considering the special facts and circumstances of this case. The petitioner may not have any legal right as such. I grant relief only because the rider agreement had been entered into between the petitioner, even though it was without authority of law.

4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
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G.R.SWAMINATHAN, J.

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