



W.P(MD)No.24547 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.24547 of 2023

and

W.M.P.(MD)Nos.20723 & 20725 of 2023

M/s.Shifa Traders,
Represented by its Sole Proprietor,
Mr.SA.Mohammed Saleem
S/o.Adam Mydeen,
223, Aadhanoor Salai,
Somasundaram Colony,
Manamadurai,
Sivagangai-630 606.

... Petitioner

Vs.

The Assistant Commercial Manager /
Senior Divisional Commercial Manager,
Divisional Office,
Southern Railway, 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 U/C79/CATGSTALL/MDU and KKDI 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



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ORDER

Heard both sides.

2. It is seen that the petitioner was granted license to run the following catering shops:-

S.No.	Catering Category/ Railway Station	Stall	Annual License Fee	License Period	Extension upto	Last Payment of Quarterly License Fee
1.	B Category/ Karaikudi		Rs.6,00,002/-	17.07.2023- 16.07.2028	-	30.10.2023
2.	A1 Category/ Madurai PF 2/3		Rs.16,00,002/-	21.07.2023- 20.07.2028	-	11.08.2023

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.*

3. As per the agreement, the petitioner has to pay the entire license fee at one go in advance. However, by an informal arrangement, the petitioner was allowed to pay the annual license fee in quarterly installments taking into account the fall out of pandemic. The railway board frowned upon the said arrangement. Now, the petitioner has been called upon to pay the entire amount at one go. In other cases, the licensees had rider agreement in their favour. In this case, no such rider agreement was entered into with the petitioner. Hence, interference is not warranted. It is seen that pursuant to the interim order passed by this Court, the petitioner has paid the license for the current quarter



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period. Upon expiry of the said period, the balance amount shall be paid at one go in advance.

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

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

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