

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4619 of 2020

Govind Prasad Son of Late Chandu Lal Agrawal Resident of Ward No.-3,
Hasanpur S. Mill, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, Ministry of Railways, New Delhi.
2. The Director, Land and Amenities, Railway Board, Ministry of Railways, New Delhi.
3. The General Manager, East Central Railway, Zonal Office Hazipur, Vaishali.
4. The Assistant Divisional Engineer, Eastern Central Railway, Samastipur.
5. The Senior Section Engineer, (Works) Line, Eastern Central Railway, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Gautam Kumar Kejriwal Atal Bihari Pandey Alok Kumar Jha, Mukund Kr Akash Kumar Aditya Raman, Advcoates
For the Respondent/s Union of India	:	Mr. Satyendra Kumar Jha, Advocate

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 10-04-2024**

Heard learned counsel for the parties.

2. The petitioner has filed the present application
for the following reliefs:

“(i) For issuance of a writ in the nature
of certiorari for quashing of the notice dated
17/21.12.2019 and also notice issued vide ref. no.
W/214/railbhumi/anu.abhi.[Karya] line/sam. dt.
20.02.2020 whereby a demand for license fee with
increemnt from retrospective effect (from 01.04.1995



till 2019-2020) has been made in direct contravention of the relevant guidelines issued by the respondent Railway Board from time to time;

(b) For issuance of a writ or order or direction restraining the respondents from any action for recovery of the amount so demanded by way of the impugned letter dated 17/21.12.2019 and also for restraining the respondents from any other consequential action as a result of non-payment of the amount so demanded through the impugned letter;

(c) For holding and a declaration that the revision of license fee can be done by the respondents only in accordance with clause 7 of the railway board's letter number 2005/LML/18/8 dated 10.02.2005;

(d) For holding and a declaration that the impugned letter is illegal, unreasonable and in teeth of the guidelines contained in the circulars of the respondent Railway Board issued from time to time once the petitioner has been paying the license fee against shop allotted to him with regular increments per year as per the guidelines;

(e) For holding and a declaration that there can't be a retrospective revision of license fee with effects of enhancement so as to hold the petitioner liable for payment of the difference which is contrary to and violative of the guidelines issued by the respondent Railway Board;

(f) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.



3. Learned counsel for petitioner contended that this matter is squarely covered under the judgment dated 04.11.2019 rendered by learned Single Judge of this Court in **CWJC No. 18109 of 2018 (Vijay Sah v. Union of India and Others)** as also by a judgment dated 06.11.2011 rendered by a learned Single Judge of this Court in **CWJC No. 8604 of 2020 (Bharat Kumar Agarwal @ Bharat Kumar Vs. The Union of India and Others)** and another analogous cases.

4. Learned counsel representing the respondents has no objection to such submission.

5. This application is, accordingly, disposed of with the same directions and observations, as has been made in the aforesaid judgment **Vijay Sah (supra) & Bharat Kumar Agarwal @ Bharat Kumar (supra)**.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2024
Transmission Date	

