

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7146 of 2024

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M/s Dwarika Prasad and Sons, Misc. Contractor, Patna through its Partner
Lakshmi Devi W/o Late Deomani Prasad, R/o Tehta Math, P.S. -
Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The Indian Railways through its Secretary, Ministry of Rail, Rail Bhawan,
New Delhi.
2. The Indian Railway Catering and Tourism Corporation Limited (I.R.C.T.C.),
Eastern Zonal Office, 3 - Koyalaghat Street, Ground Floor, Kolkatta-1
3. The Regional Manager, Indian Railway Catering and Tourism corporation
Limited (I.R.C.T.C.), Eastern Zonal Office, 4th Floor, BISCOAUN
Bhawan, West Gandhi Maidan, Patna.
4. The Chief Commercial Manager/Catering, E.C. Railway Hajipur.
5. The Sr. Divisional Commerical Manager, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Raj Kamal, Adv.
For the Resp. No. 3	:	Mr. Shiv Mohan, Adv.
For the UOI	:	Mr. Kumar Ravish, CGC

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 30-07-2024 The counsels appearing on behalf of the petitioner

as well as the respondents have fairly conceded that the issue in

the present writ petition is covered by the judgment of the

Hon'ble High Court of New Delhi passed in W.P. (C) 2501 of

2023. The Hon'ble High Court of Delhi while taking into

consideration the various judgments of the Hon'ble Supreme

Court and other High Courts has dismissed the writ petitions

pending before it granting three months time to vacate the

subject premises.



2. The learned counsel for the petitioner has stated that while dismissing the above writ petition, the Hon'ble Court was pleased to grant time for making alternative arrangements/vacating the premises. Learned counsel has relied on paragraph- 36 of the said judgment and prayed for similar relief.

3. The learned counsel appearing on behalf of the respondent railways has opposed the same and stated that the petitioners have been given sufficient time for vacating the premises and that there is no need to granting further time for vacating the premises in question. As seen from the judgment, the Hon'ble High Court of Delhi while duly taking into consideration the various judgments of the Hon'ble Supreme Court and other High Courts has dismissed the writ petitions filed by similarly situated persons has, however, held as under:

“In the circumstances, this Court finds no merit in the present petitions and the same are accordingly dismissed. However, since the petitioners have been operating the concerned multi-purpose stall for a very long period of time, to enable the petitioners to make a transition and make alternative vending arrangement/s, this Court considers it apposite to grant a period of 3 months to the petitioners (from the date of the extended license period after taking into account the dies non period ; OR from the date of this judgment, whichever is later) to vacate the stalls in



questions. It is directed accordingly. ”

4.Having regard to the above, this Court is of the opinion that the ends of justice would be met if the present writ petition are also disposed of granting three months time to the petitioners to make alternate arrangements/vacating the subject premises from today. The petitioner shall continue to pay the monthly charges to the respondents without fail by 10th of every month. The petitioner shall handover the peaceful possession of the subject property at the end of three months starting from today. In case the petitioners do not vacate the premises, they are not only liable to be evicted by the authorities but will also be liable for contempt of court proceedings.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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