

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.888 of 2019

In

Civil Writ Jurisdiction Case No.3453 of 2019

Sanjeev Kumar Singh Son of Late Dharamnath Singh Pay telephone Booth Contractor, Hajipur Railway Station, Resident of Village-Paharichak,P.O. and P.S. Sonapur, Dist.-Saran

... .. Appellant/s

Versus

1. The Union of India and others through General Manager East Central Railway, Hajipur District Vaishali
2. The General Manager East Central Railway Zonal Office, Hajipur District Vaishali
3. The Divisional Rail Manager (Commercial) Sonapur Rail Division, Sonapur, District Saran
4. The Deputy Commercial Inspector Hajipur Railway Station, Hajipur District Vaishali
5. The Station Superintendent Hajipur Railway Station, Hajipur District Vaishali
6. The P.W. 1 Hajipur Railway Station, Hajipur District Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Singh, Advocate
For the Respondent/s : Mr. Arjun Kumar, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-07-2024

The appellant is aggrieved with the eviction from a telephone booth and its removal, which booth had been granted to him for operation, way back in the year 1995. The learned Single Judge found that the telephone booth of the appellant had been removed after he failed to remove it himself, despite the service of a letter dated 04.01.2019, and hence, there



is nothing remaining in the writ petition.

2. Learned Counsel appearing for the appellant would point out that the appellant was granted the telephone booth in the handicapped quota in the year 1995. The learned Standing Counsel for the Railways, however, would point to paragraph no. 6 of the appeal itself, which indicates that though the telephone booth was granted on 09.01.1995 for a period of three years and the period was being extended, from 2000 there was no extension of the agreement. Considering the admitted facts, there is nothing more to be done is the argument.

3. We have also looked at the counter affidavit filed by the Railways before the learned Single Judge. In paragraph no. 8, it has been stated that the appellant was directed to shift his PCO booth stall from the existing place to another place, i.e., beside Sudha stall at the station area; but the petitioner failed to do so. It is also stated that the appellant had not submitted the call details of the PCO booth for one year, which shows that the appellant is not interested in business and has not been operating the PCO.

4. A committee was also formed and items in the telephone booth have been kept in the custody of the Railways, and the same is still with the Railways.



5. Considering the fact that the appellant does not have any existing agreement and also the fact that the appellant failed to submit the call details for the past one year there can be no claim set up of restoration. The appellant also has not complied with the directions of the Railways to shift the PCO booth to another place. There can be no grievance found to survive on the appellant.

6. The appellant would be entitled to approach the Railways and get back the articles seized by the Railways from the PCO, if he is able to prove his ownership.

7. With the above liberty, the appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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