

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16911 of 2023

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1. M/s Dindayal Gupta and Sons Vending Contractor, Patna Saheb Railway Station, through its partners Smt. Indu Devi, Female, aged about 67 wife of Late Ram Narayan Gupta, Resident of Humad Gali, Begumpur, P.S. Chowk, District Patna-800009.
 2. Ravi Kumar, son of Late Ram Narayan Gupta, Resident of Humad Gali, Begumpur, P.S. Chowk, District Patna-800009.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur,
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna.
4. The Chief Commercial Manager, East Central Railway, Hajipur.
5. The Divisional Railway Manager, East Central Railway, Danapur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pravashankar Mishra, Advocate
For the Respondent/s : Mr. Additional Solicitor General

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

5 11-09-2024 Heard both the parties.

2. The present writ petition has been preferred for
grant of the following relief/s:-

i. For issuance of a writ in the nature of certiorari for quashing the office order dated 27.10.2023, issued under the signature of The Divisional Railway Manager East Central Railway; Danapur, Patna, Respondent No -5, by which the 1850% enhanced license fee from the petitioner has been demanded which comes to 5,07,000/- per annum with effect from



01.11.2021, (More than 185 times of the license fee fixed by the petitioner for the year 2020) which is contrary to the rules relating to enhancement of 10% of license fee as per the Catering Policy 2010.

ii. For quashing the order dated 30.11.2022, passed by The Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna, Respondent No -3, where by and where under the representation filed by the petitioner has been rejected in very casual manner without application of mind by passing unreasoned order upon representation dated 26.08.2022, which was filed in Compliance of the order dated. 29.07.2022, passed by the Hon'ble High Court, Patna in CWJC No. 8931 of 2022 (Din Dayal Gupta & Sons Vs-UOI others).

iii. For further issuance of a writ in the nature of certiorari for quashing the office order dated 01.11.2023, issued under the signature the Senior Divisional Commercial Manager, East Central Railway, Danapur, Patna where by and where under the catering stalls of the petitioner has forcefully been close due to non fulfilment of the exaggerated demand of the respondent.

iv. For further issuance of a writ in the nature of mandamus directing the concerned respondents especially the Respondent No. 3 to issue the necessary Identity Card(Platform permit)/along medical fitness in favor of petitioners and to accept the license fee calculated in terms of catering policy 2010 and do not disturb the



petitioner to operate the vending stall which is the only source of livelihood of the petitioner and their family.

v. For directing the respondent authority to grant any other reliefs for which the petitioner is found entitled to in the fact and circumstances of the case.

3. Learned counsel appearing on behalf of the petitioners has stated that the matter is squarely covered by the Judgment of the Hon'ble Division Bench of this Court vide order dated 09.01.2023 passed in CWJC No. 17873 of 2021 and also the Judgment dated 09.01.2023 passed in CWJC No. 18834 of 2021. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition in terms of the above two cited Judgments.

4. Learned counsel appearing on behalf of the respondents has fairly stated that the matter may be disposed of in terms of the above cited Judgments.

5. Having regard to the above made submissions, the present writ petition is disposed of in terms of the above two cited Judgments relied by the learned counsel appearing on behalf of the petitioners, order dated 27.10.2023 is set aside, directing the Railway Authorities to make a fresh assessment as



contemplated under Section 18(3) of catering policy of 2010 and thereafter fix the new license fee. The entire exercise shall be completed as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. Till such time, the petitioners shall be allowed to run the catering units as per the terms and conditions of the earlier recommendations. In case the authorities are contemplating to pass any orders, the petitioners shall be heard duly giving an opportunity of hearing.

6. Accordingly the writ petition is disposed of.

(A. Abhishek Reddy, J)

Ankit Kumar/-

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