

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18073 of 2023

Vilayat Hussain, Male, aged about 74 years, son of Late Karamat Hussain,
Resident of Village- Mirdaha (Sonpur ADAM), P.O. & P.S.- Sonpur, District-
Saran.

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Railways,
Government of India, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The Senior Divisional Commercial Manager, Sonpur, At and P.O.- Sonpur,
District- Saran.
4. The Divisional Railway Manager (Commercial), East Central Railway,
Sonpur, At and P.O.- Sonpur, District- Saran.
5. The Chief Commercial Manager, East Central Railway, Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate.

For the Respondent/s : Mr. Additional Solicitor General.

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

11 29-07-2024 Heard learned counsel for the parties.

2. The present writ petition is filed challenging the
decision of the respondent authorities in enhancing the license
fee substantially and manifold then the present rates with effect
from 01.11.2018 and directing the petitioner to pay the arrears
of the enhanced license fee failing which the petitioner was
directed to vacate the premises besides being black-listed as
illegal, bad and arbitrary among other prayers.

3. Learned counsel appearing on behalf of the
petitioner states that the issue involved in the present writ



petition is squarely covered by the Judgment of this Hon'ble Court dated 09.01.2023 passed in CWJC No. 17873 of 2023. The counsel for the Respondents has not controverted the above statement and fairly stated that this Court may pass similar orders in terms of the Judgment passed in CWJC No. 17873 of 2023 wherein this Hon'ble Court had held as under:-

"19. For the afore-noted reason, we hold that the fixation of licensee fee at variance with respect to the stalls held by the petitioner without any assessment as contemplated under Clause 18.3 of the Catering Policy of 2010, is a wrong exercise of power which cannot be sustained in the eyes of law.

20. The same is thus set aside.

21. The matter is remitted to the Railway Administration to make a fresh assessment as contemplated under Clause 18.3 and only thereafter fix the new license fee.

22. This exercise ought to be done within a period of three months, to be counted from the date of passing of the order/production of a copy of this order before the concerned Authority of the Railways.

and further held as under:-

32. In case the license of the petitioner is to be retained and renewed, the fee must be fixed only after appropriate assessment of turnover of sales as contemplated under Clause 18.3 of the Catering Policy of 2010.

33. It goes without saying that



while making such assessment, the Railway Administration shall take into account the lean period of the Covid-19 times before finally arriving at a figure which should form part of the license fee.

34. We say so for the reason that the Railway Administration has already admitted of such difficult times for the licencees during the Covid period.

35. Till the time a final exercise is made and on a fresh assessment, new license fee is fixed, the petitioner shall be allowed to run all the catering units in accordance with the earlier agreement.

4. Having regard to the above, the impugned order passed by the Respondent authorities are set aside. The present writ petition stands disposed of with the above direction.

(A. Abhishek Reddy, J)

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