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22.01.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 1372 of 2024

Ashoka Kumar Jain.

Vs.

Union of India & Ors.

Mr. Raghunath Chakrabaorty,
Mr. Rajdeep Bhattacharya
...for the petitioner

Mr. Sukumar Bhattacharya,
Mr. S. Bhattacharjee,
Ms. Amrita Pandey,
...for the respondnet nos. 1 to 8

1. Learned counsel for the petitioner contends that the petitioner has been enjoying a licence in respect of running a stall under the Railways since 1971. The last date of the lastly extended/renewed licence expires today. It is submitted that since no new tender has been floated, the petitioner be permitted to retain the stall and run his business there at least till the new tender is floated, with the undertaking that petitioner will vacate if he does not succeed in the fresh tender.

2. Learned counsel appearing for the railway-authorities submits that the railway-authorities have already initiated proceedings for floating a new tender with regard to the said stall. A copy of the proposed tender is handed over in court today as well as to learned counsel for the petitioner. The copy handed over in court today be kept on record.

3. It is contended by learned counsel for the railway authorities that unless the petitioner hands over vacant possession, the tender will fetch bids of less amounts, since vacant possession cannot be assured in the tender document itself. That apart, the railway-authorities have certain plans to bring about changes in the stall and renovate the same, which will require vacant possession to be taken by the railway authorities before the tender process is completed.

4. Upon hearing learned counsel for the parties, on humanitarian grounds, one week is granted to the petitioner to vacate the stall-in-question.

5. However, the petitioner does not have any Constitutional or legal right to continue in possession, in view of the licence having expired today.

6. In any event, it will be open to the petitioner to participate in the fresh tender to be floated by the railway authorities for the same stall, which keeps it open for the petitioner to regain possession of the stall in the event the petitioner turns out to be successful as a tenderer as on the earlier occasion.

7. In such view of the matter, W.P.A. No. 1372 of 2024 is disposed of by directing the petitioner to vacate possession of the stall-in-question by

January 31, 2024 positively in favour of the respondent-authorities.

8. Parties shall act on the server copy of this order without insisting upon prior production of a certified copy thereof.

9. There will be no order as to costs.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)