

M/L 414
20.11.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4022 of 2020

Afrej Dewan

Vs.

Union of India & Ors.

Mr. Syed Julfikar Ali

...for the Petitioner.

Mr. Sanajit Kumar Ghosh

Mr. Anish Kumar Mukherjee

...for the Respondents.

The petitioner was running a tea stall at Deulti Railway Station under South Eastern Railway which was originally allotted to one Delhiswar Saha for the period from April 1, 1992 to March 31, 1993. It is not clear how the petitioner came into possession of said tea stall. The petitioner is praying issuance of writ of mandamus directing the concerned railway authority to grant license in his favour enabling him to run the said tea stall.

Learned advocate for the railway authority submits that the petitioner has already been evicted from the said tea stall as he was an unauthorized occupant of it. He further submits that as a matter of policy, the Indian Railways allots stalls in railway stations through *e-tender*, as such, there is no scope to consider the prayer of the petitioner.

Having heard the learned counsel for the parties and on perusal of the records, it appears that the prayer of the petitioner for grant of license cannot be allowed; he is however free to participate in the *e-tender* process that may be floated by the railway authority for allotment of the said stall, in accordance with law.

WPA 4022 of 2020 is disposed of with the above terms and observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)