

04.09.2024
Sl. No.5(DL)
srm

W.P.A. No. 22190 of 2024

Sabir Ali Siddiqui

Versus

The Union of India & Ors.

Md. Sarwar Jahan,
Mr. Asif Mehdi

...for the Petitioner.

Mr. Rabin Bag,
Ms. Oisani Mukherjee

...for the Respondents.

Affidavit-of-service is taken on record.

The petitioner contends that the petitioner may be allowed 141 days more, over and above the time already allowed to the petitioner to continue with the shop in the light of a railway board's notification dated May 21, 2020.

Learned Advocate appearing for the respondents submits that the case of the petitioner cannot be considered as the petitioner has been given adequate opportunity to run the business. At present, continuation of erstwhile licences cannot be allowed. The authority has decided to go for a fresh tendering process. It is further submitted that there is an arbitration clause.

Under such circumstances, the writ petition is disposed of directing the Senior Divisional Commercial Manager,

Eastern Railway, Malda to treat the writ petition as a representation of the petitioner and dispose of the same in accordance with law upon hearing the petitioner. At the hearing, the petitioner will be entitled to rely on the decision of the Delhi High Court in the matter of Urmila Devi & Ors. vs. Union of India & Ors. (In Re: W.P.(C) 2501/2023).

The authority will take the decision within a period of two months from the date of communication of this order. Till such time, the petitioner shall be allowed to run his shop without prejudice to the rights and contentions of the parties and upon payment of usual licence fees and other compliances. The decision of the authorities shall be binding and a reasoned order shall be communicated.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)