

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 29379 of 2024
Ram Kishore Ray
Versus
The Union of India & Ors.

For the petitioner	Mr. Sarwar Jahan Mr. Asif Mehdi Mr. Binay Shaw
For the UOI	Mr. Ashok Bhowmik Ms. Moumita Mondal

Heard on : 10.12.2024

Judgment on : 10.12.2024

JAY SENGUPTA, J:

Affidavit of service filed in Court today is taken on record.

The petitioner is running a multipurpose stall on platform nos. 4 and 5 at Bhagalpur Station. The contract of the petitioner has expired on 2nd October, 2024. In view of the seventy days dies non period allowed by the railway, the petitioner had an extended period of the contract till 11th December, 2024. The said period has also expired.

By communication dated 16th August, 2024 the petitioner has been directed to hand over possession of the stall to the railway authority as per the terms and conditions of the contract agreement.

The petitioner relies upon order passed by this Court in similar matters wherein the Court, on humanitarian grounds, directed that no coercive measures against the petitioner shall be taken for a period of three months from the date of communication of the order. The petitioner prays for similar relief.

Learned advocate representing the railways submits that the petitioner has not paid the licence fee. It has been submitted that as on date the railways have not preferred any appeal against the order relied upon by the petitioner.

On a perusal of page 40, it appears that the payment for the extended period has already been paid by the petitioner.

In line with the order passed by a Co-ordinate Bench on 3rd October, 2024 in WPA 25113 of 2024 (Bibha Ray vs. The Union of India and others) the Court is inclined to allow three months' time, on humanitarian ground, to the petitioner to vacate the multipurpose stall and hand over possession of the same to the railways.

The petitioner will be obliged to pay the licence fee as assessed by the railway authority.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J)