

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 32028 OF 2023

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BAPPASAHEB
KAKDE

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Date: 2024.07.11
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Dr. Satish Y. Achrya and Ors.

.. Petitioners

Versus

**Union of India, Ministry of Railways,
Through the General manager, Central
Railway, Mumbai & Ors.**

.. Respondents

**Mr. Vishal Kanade a/w. Prateek Pansare i/b. M. P. Rege & Co. Advocates
for the Petitioners.**

Mr. T. J. Pandian a/w. D. P. Singh for Respondent.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: JULY 11, 2024**

P. C.

1. The above Writ Petition seeks a writ, order or direction to quash and set aside the impugned letters dated (1) 6th November 2023 issued by Respondent No.3 to Respondent No.4 (Exhibit “O” hereto); (2) 7th November 2023 issued by Respondent No.4 to Petitioner No.1 (Exhibit “Q” hereto); (3) 7th November issued by Respondent No.4 to Petitioner No.2 (Exhibit “R” hereto); (4) 7th November 2023 issued by Respondent No.4 to Petitioner No.3 (Exhibit “S” hereto); and (5) 7th November 2023 issued by Respondent No.4

to Petitioner No.4 (Exhibit “T” hereto), as being illegal, arbitrary, unconstitutional, null and void-ab-initio;

2. The only grievance before us in the present Petition is that all these letters have been issued without giving any hearing to the Petitioners and by virtue of which their licenses to run stalls on the railway platform of the Central Railway have been terminated.

3. It is not in dispute that no hearing or Show Cause Notice was given to the Petitioners before the decision was taken to terminate their licenses. We, therefore, are of the considered view that this would amount to breach of principles of natural justice. We, accordingly, quash the impugned letters particularly set out hereinabove.

4. We direct the Railway Authorities to issue separate Show Cause Notices to each of the Petitioners calling upon them to show cause why their licenses should not be terminated. Once such a Show Cause Notice is issued, the Railway Authorities shall also give a personal hearing to the Petitioners and thereafter pass a reasoned order either cancelling their licenses or relocating their stalls at a different location, if they are so entitled.

5. We must hasten to clarify that we have not opined on the merits of the matter and especially with reference to whether licenses are required to be terminated or otherwise. This shall be decided on its own merits and in accordance with law by the Railway Authorities. This entire exercise shall be carried out and completed within a period of eight weeks from today.

6. Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]