

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 11TH DAY OF JANUARY 2024 / 21ST POUSHA, 1945

W.P. (C) NO.484 OF 2024

PETITIONER:

A. SHAJAHAN,
AGED 40 YEARS, S/O. ABDUL RAHMAN,
NO.35, K.V.R. NAGAR MAIN ROAD, TIRUPPUR P.O.,
TAMIL NADU, PIN-641 604.

BY ADVS.
K.SANEESH KUMAR
V.B.SANTHINI

RESPONDENTS:

- 1 SOUTHERN RAILWAY
REPRESENTED THROUGH ITS SENIOR DIVISIONAL
COMMERCIAL MANAGER, SOUTHERN RAILWAY,
DIVISION OFFICE, COMMERCIAL BRANCH,
(PALAKKAD DIVISION) PALAKKAD DISTRICT, PIN-678 002.
- 2 SENIOR DIVISIONAL COMMERCIAL MANAGER,
SOUTHERN RAILWAY, DIVISION OFFICE,
COMMERCIAL BRANCH, (PALAKKAD DIVISION),
PALAKKAD DISTRICT, PIN-678 002.

BY ADV. GIRISH KUMAR V.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11.01.2024, ALONG WITH WP(C).558/2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

W.P. (C) NOS.484 & 558 OF 2024

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PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

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002.
- 2 SENIOR DIVISIONAL COMMERCIAL MANAGER,
SOUTHERN RAILWAY, DIVISION OFFICE,
COMMERCIAL BRANCH, (PALAKKAD DIVISION),
PALAKKAD DISTRICT, PIN - 678002

BY ADV. ACHUTH KRISHNAN R.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 11.01.2024, ALONG WITH WP(C).484/2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 11th day of January, 2024

The petitioner in these two cases is a licensee, who is operating Food Stalls at the Palakkad Junction Railway Station. They rely on Ext.P1 Letter of Award for substantiation and concede that they were unable to pay certain portions of the licence fee for the said Stalls within the stipulated time; but asserted that this is on account of extenuating circumstances faced, consequent to fiscal constraints. They however, undertook that they will pay the defaulted portion of the licence fee, along with the applicable penal interest as is contractually mandated, within a period of two weeks; and that the competent authority of the Railway - the 2nd respondent in both cases, be directed to grant permission to run the Stalls in that question.

2. Sri. Girish Kumar - learned Central Government Counsel, in response to the afore submissions of the petitioner, as argued by his learned counsel - Sri. K. Saneesh Kumar, submitted that if the petitioner is willing to pay the defaulted portion of the licence fee, along with the

W.P. (C) NOS.484 & 558 OF 2024

applicable penal interest as per the contractual terms, within a period of 15 days, then his licence can be renewed and he can be permitted to run the Stalls.

3. Sri. K. Saneesh Kumar – learned counsel for the petitioner acceded to the afore time frame.

4. In the afore circumstances, these writ petitions are allowed, permitting the petitioner to pay the defaulted portion of the licence fee, along with the applicable penal interest as per the contractual terms, within a period of 15 days from the date of receipt of a copy of this judgment; failing which, the competent authority of the Railways is reserved full liberty to take necessary action against him for violation of the contractual terms, without any further notice.

In the circumstances afore, and since the petitioner undertakes to pay the licence fee as noted above, he will be permitted to run the Stalls forthwith, however, subject to the afore directions.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

bpr

W.P. (C) NOS.484 & 558 OF 2024

APPENDIX OF WP(C) 558/2024

PETITIONER'S EXHIBITS

- | | |
|------------|--|
| Exhibit P1 | A TRUE COPY OF THE LETTER OF AWARD
ISSUED BY THE 2ND RESPONDENT DATED
11.7.2018 |
| Exhibit P2 | A TRUE COPY OF THE MASTER LICENSE
AGREEMENT ENTERED INTO BETWEEN THE
PETITIONER AND THE 2ND RESPONDENT
DATED 28.12.2018. |
| Exhibit P3 | A TRUE COPY OF THE LETTER ISSUED BY
THE 2ND RESPONDENT WHICH IS STYLED AS
SHOW CAUSE NOTICE DATED 28.12.2023. |
| Exhibit P4 | A TRUE COPY OF THE REPLY SUBMITTED BY
THE PETITIONER DATED 28.12.2023. |
| Exhibit P5 | A TRUE COPY OF THE JUDGMENT IN WP(C)
29381/2016 DATED 2.9.2016 OF THIS
HONOURABLE COURT |
| Exhibit P6 | A TRUE COPY OF THE JUDGMENT IN WP(C)
10745/2018 ALONG WITH OTHER CONNECTED
MATTERS DATED 2.4.2018 OF THIS
HONOURABLE COURT. |

W.P. (C) NOS.484 & 558 OF 2024

APPENDIX OF WP (C) 484/2024

PETITIONER'S EXHIBITS

- | | |
|------------|--|
| Exhibit P1 | A TRUE COPY OF THE LETTER OF AWARD
ISSUED BY THE 2ND RESPONDENT DATED
11.7.2018. |
| Exhibit P2 | A TRUE COPY OF THE RELEVANT PAGES OF
THE MASTER LICENSE AGREEMENT ISSUED BY
THE 1ST RESPONDENT DATED NIL. |
| Exhibit P3 | A TRUE COPY OF THE LETTER ISSUED BY
THE 2ND RESPONDENT WHICH IS STYLED AS
SHOW CAUSE NOTICE DATED 26.12.2023. |
| Exhibit P4 | A TRUE COPY OF THE REPLY SUBMITTED BY
THE PETITIONER DATED 28.12.2023. |
| Exhibit P5 | A TRUE COPY OF THE JUDGMENT IN WP(C)
29381/2016 DATED 2.9.2016 OF THIS
HONOURABLE COURT. |
| Exhibit P6 | A TRUE COPY OF THE JUDGMENT IN WP(C)
10745/2018 ALONG WITH OTHER CONNECTED
MATTERS DATED 2.4.2018 OF THIS
HONOURABLE COURT. |