

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
WEDNESDAY, THE 24TH DAY OF JANUARY 2024 / 4TH MAGHA, 1945
WP(C) NO. 857 OF 2024

PETITIONER:

G. NITHYA, AGED 38 YEARS, W/O BAKIYARAJ,
NO.205, RAJAJIPURAM, KARUNGALPALAYAM ERODE,
TAMILNADU, PIN - 638003

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

BY ADVS
ACHUTH KRISHNAN R

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner in this case is a licensee, who is operating Food Stalls at the Shorunur Junction Railway Station. She relies on Ext.P1 Letter of Award for substantiation and concedes that she was unable to pay certain portions of the licence fee for the said Stalls within the stipulated time; but asserts that this is on account of extenuating circumstances faced, consequent to fiscal constraints.

2. The petitioner however, undertakes that she 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, be directed to grant her permission to run the Stalls in question.

3. Sri. Achuth Krishnan R. – learned Central Government Counsel, in response to the afore submissions of the petitioner, as argued by her 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 applicable penal interest as per the

contractual terms, within a period of 15 days, then her licence can be renewed and she can be permitted to run the Stalls.

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

In the afore circumstances, this Writ Petition is 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 with full liberty to take necessary action against her 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, she will be permitted to run the Stalls forthwith, however, subject to the afore directions.

Sd/ -

RR

DEVAN RAMACHANDRAN
JUDGE

APPENDIX OF WP(C) 857/2024

PETITIONER EXHIBITS

- Exhibit P1 - A TRUE COPY OF THE LETTER OF AWARD ISSUED BY THE 2ND RESPONDENT DATED 31.7.2018.
- Exhibit P2 A TRUE COPY OF THE MASTER LICENSE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND THE 2ND RESPONDENT DATED 24.12.2018.
- 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.