

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 8TH DAY OF FEBRUARY 2024 / 19TH MAGHA, 1945

WP(C) NO. 906 OF 2024

PETITIONER:

A. SARABEEVI,
AGED 46 YEARS, D/O. LATE ABDUL AZEEZ,
EMM MAIN STREET, DIESEL LOCO SHED OPP ROAD,
ERODE P.O, TAMILNADU, PIN-638 001.

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.

SMT. MINI GOPINATH, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 8th day of February, 2024

The petitioner is a licensee, who is operating Food Stall at the Shoranur Junction Railway Station. She relies on Ext.P1 Letter of Award for substantiation and concede that she was unable to pay certain portions of the licence fee for the said Stall within the stipulated time; but asserted that this is on account of extenuating circumstances faced, consequent to fiscal constraints. She however, undertook 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 permission to run the Stall in that question.

2. Sri. Mini Gopinath - 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

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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 Stall.

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

4. 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 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 Stall forthwith, however, subject to the afore directions.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

bpr

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APPENDIX OF WP(C) 906/2024

PETITIONER'S EXHIBITS

- | | |
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| 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
5.11.2018. |
| 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. |