

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 30TH DAY OF JANUARY 2024 / 10TH MAGHA, 1945

WP(C) NO. 1107 OF 2024

PETITIONER:

M.ABDUL SALAM
AGED 24 YEARS
S/O K.M.MUSTHAFFA, NO.435, EMM MAIN STREET,
OPPOSITE TO DIESEL SHED, CHENNIMALAI ROAD,
ERODE, CHENNAI, PIN - 638001

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 ADV MINI GOPINATH -CGC .

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Amidst the various assertions, averments and allegations in this writ petition, when this matter was called today, the learned counsel for the petitioner, confined his plea that the 2nd respondent – Senior Divisional Commercial Manager be directed to take up Ext.P7 representation – wherein, he has requested for refund of certain amounts under a licence, which was awarded earlier, on account of the fact that during certain portions of time covered by it, he was unable to operate it due to reasons which were beyond his control - and dispose it of, within a time frame to be fixed by this Court.

2. Smt.Mini Gopinath – learned Central Government Counsel appearing for the respondents, submitted that there is no legal impediment in Ext.P7 being taken up and disposed of by the 2nd respondent; but prayed that this Court may not make any affirmative declarations on the entitlement of the petitioner to any relief and leave it to be decided by the competent Authority, in terms of law.

In the afore circumstances, I allow this writ petition and

direct the 2nd respondent to take up Ext.P7 representation of the petitioner and dispose of the same, after affording him and any other person who may be interested an opportunity of being heard; thus culminating in an appropriate order and necessary action thereon, as expeditiously as is possible, but not later than two months from the date of receipt of a copy of this judgment.

Until such time as the afore is done and the resultant order communicated to the petitioner, all further recovery action against the petitioner pursuant to Ext.P1 will stand deferred.

Sd/- DEVAN RAMACHANDRAN
JUDGE

stu

APPENDIX OF WP(C) 1107/2024

PETITIONER EXHIBITS

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| Exhibit P1 | A TRUE COPY OF THE CONTRACT AGREEMENT DATED 3.10.2023 BETWEEN THE PETITIONER AND THE SOUTHERN RAILWAY THROUGH ITS SENIOR DIVISIONAL COMMERCIAL MANAGER |
| Exhibit P2 | A TRUE COPY OF THE LETTER DATED 18.10.2023 EVIDENCING THE REMITTANCE DETAILS OF THE LICENSE FEE FOR THE PERIOD 24.10.2023 TO 24.1.2024. |
| Exhibit P 3 | A TRUE COPY OF THE DETAILS OF PAYMENT DUE ISSUED THROUGH RAILWAYS E-PROCUREMENT SYSTEM DATED 3.1.2024 |
| Exhibit P4 | A TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT DATED 30.11.2023. |
| Exhibit P5 | A TRUE COPY OF THE LETTER SEEKING PERMISSION ISSUED BY THE PETITIONER DATED 7.12.2023. |
| Exhibit P6 | A TRUE COPY OF THE LETTER DATED 19.12.2023 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT. |
| Exhibit P7 | A TRUE COPY OF THE REPRESENTATION DATED 3.1.2024 SEEKING ADJUSTMENT OF THE LICENSE FEE ALREADY PAID TO THE 2ND RESPONDENT. |
| Exhibit P8 | A TRUE COPY OF THE STANDARD CONDITIONS OF CONTRACT ISSUED BY THE SOUTHERN RAILWAY DATED NIL. |