



WP(MD) No.11282 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.05.2024**

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD) No.11282 of 2024

and

W.M.P(MD)Nos.10027, 10028 & 10030 of 2024

S.Rabik Raja

... Petitioner

Vs.

The Assistant Commercial Manager /  
Senior Divisional Commercial Manager,  
Divisional Office, Commercial Branch,  
Southern Railways,  
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records of the Impugned order in U/C79/Catg stall/TEN/PF2&3



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dated 14.05.2024 on the file of the Respondent and quash the same as illegal and further directing the Respondent to renew the licence of the petitioner for a period of three years to run the catering stall in Platform 2/3 of Tirunelveli Junction along with Platform vending.

For Petitioner : Mr.K.Jeyamohan

For Respondent : No Appearance

### **ORDER**

The petitioner has filed this Writ Petition seeking a Writ of Certiorarified Mandamus calling for the records of the Impugned order in U/C79/Catg stall/TEN/PF2&3 dated 14.05.2024 on the file of the Respondent and quash the same as illegal and further directing the Respondent to renew the licence of the petitioner for a period of three years to run the catering stall in Platform 2/3 of Tirunelveli Junction along with Platform vending.



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2. Heard Mr.K.Jeyamohan, learned counsel for the petitioner and perused the materials available on record.

3.The learned counsel for the petitioner submitted that the impugned order has been passed rejecting the request of the petitioner for renewal of license of his stall as per the Railway Board Commercial Circular (CC)No.22 of 2017. Earlier the petitioner has filed a Writ Petition in W.P(MD)No.10011 of 2024 seeking a direction to consider his request made for renewal of license in accordance with the above circular and pursuant to that the request of the petitioner has been considered and an order has been passed on 14.05.2024.

4. However, the learned counsel for the petitioner has submitted that the order has not been passed on merits but on technical reason stating that the petitioner did not place the request for renewal within the mandatory period of six months. However, it is seen from the earlier order itself that the Court has observed that



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even if there is a delay, the request of the petitioner cannot be foreclosed on that aspect alone and that the matter deserves a positive direction for considering the petitioner's request for renewal.

5. In that context, it would have been ideal for the respondent to consider the petitioner's request on its own merits without choosing to reject the same on the point of limitation alone. The earlier direction of this Court has been granted only after being conscious of the fact that the petitioner has made a delayed request for renewal.

6. In view of the above stated reasons, the Writ Petition is **allowed** and the impugned order in U/C79/Catg stall/TEN/ PF2&3 of the Respondent, dated 14.05.2024 is set aside. The respondent is directed to reconsider the petitioner's request on other merits of the matter and pass appropriate orders within a period of one week from the date of receipt of a copy of this order. No costs.



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Consequently, connected miscellaneous petitions are closed.

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**23.05.2024**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No

RM

To

The Assistant Commercial Manager /  
Senior Divisional Commercial Manager,  
Divisional Office,  
Commercial Branch,  
Southern Railways,  
Madurai.



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**R.N.MANJULA, J.**

RM

Order made in  
W.P.(MD)No.11282 of 2024

23.05.2024