HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION NO: 29381 OF 2023

Between:

Saroj Rajendra Kumar Mangla, W/o. Rajendra Kumar Mangla, Aged about.50 years, Occ. Business - Saroj Fast Food - Catering Contractor, R/o. H.No.5/1804, Sapphire Heights, Lokhandwala Township, Kandivali Street, Mumbai, Maharashtra - 400101.

...PETITIONER

AND

1. Union of India, Rep. by its Secretary, Ministry of Railways, Railway Bhavan, Sansad Marg, New Delhi.
2. The South-Central Railway, Rep. by its General Manager, Rail Nilayam, Secunderabad, Telangana.
3. The Principal Chief Commercial Manager, South-Central Railway, Rail Nilayam, Secunderabad, Telangana.
4. The Senior Divisional Commercial Manager, O/o The Divisional Railway Manager, Secunderabad, Telangana - 500071.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of a Writ of Mandamus by declaring the action of the Respondent No.4 in not following the circulars issued by the Respondent No.1 Railway Boards circular vide Letter Ref. No. 2020/ Catering/ 600/03, dated 21.05.2020 and 01.06.2020 and not considering the Petitioner's representation dated 26.06.2023 and extending only 71 days i.e., up to 14.07.2023, instead of 540 days of the Petitioner's contract period even though the Petitioner is entitled for the extension of 540 days of her contract period including the dies non period of 303 days and Residual period of 237 days, beyond 14.07.2023 pertaining to Petitioner's stall GMU No.30 on Platform No.2 at Khammam Railway Station at par with the other Divisions of the South Central Railway and also other Zones of Indian Railways and further directed the Petitioner to cease her business operations of her stall

GMU No.30 on Platform No.2 at Khammam Railway Station and also threatening to remove the said stall as illegal, arbitrary and violation of Principles of Natural Justice, besides violative of rights guaranteed under Articles 14,19 and 21 of the Constitution of India and consequently set aside the impugned. Letter Ref. No. C/C/79/Catg/GMU-30/PF-2/BZA end/KMT/ 17, dated 12.07.2023 issued by the Respondent No.4 and direct the Respondent No.4 not to interfere with the Petitioner's business and further direct the Respondents to extend the Petitioners license period for 540 days (303plus237) beyond 05.05.2023 by considering the closure period of the Petitioner's stall for 374 days from 22.03.2020 to 30.03.2021 (303 days) as dies non period along with the residual period of 237 days for the percentage of loss of sales due to less passenger footfall in the said period subject to payment of license fee pertaining to the Petitioners stall GMU No.30 on Platform No.2 at Khammam Railway Station and allow the Petitioner to conduct her business in the above stall forthwith.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.4 authorities not to harass the Petitioner by threatening to remove her catering stall GMU No.30 on Platform No.2 at Khammam Railway Station pending disposal of the above Writ Petition.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.4 not to restrict the Petitioner to continue her day-to-day business of catering stall GMU No.30 on Platform No.2 at Khammam Railway Station by setting aside the Letter Ref. No. C/C/79/Catg/GMU-30/PF-2/BZA end/KMT/ 17, dated 12.07.2023 issued by the Respondent No.4 pending disposal of the above Writ Petition.

IA NO: 3 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents more particularly the Respondent No.4 to consider the Petitioners representation dated 18.07.2023 and extend the Petitioner's contract period for the stall GMU No.30 on Platform No.2 at Khammam Railway station for a further period of 540 days from 14.07.2023 by following the Railway Boards circular vide Letter Ref. No. 2020/Catering/600/03, dated 21.05.2020 and 01.06.2020 and also at par with the other Railway Divisions and Railway Zones of the Indian Railways, pending disposal of the above Writ Petition.

IA NO: 4 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents more particularly the Respondent No.4 to consider the Petitioner's representation dated 18.07.2023 and extend the Petitioner's contract period for the stall GMU No.30 on Platform No.2 at Khammam Railway station for a further period of 540 days from 14.07.2023 by following the Railway Board's circular vide Letter Ref. No. 2020/Catering/600/03, dated 21.05.2020 and 01.06.2020 and also at par with the other Railway Divisions and Railway Zones of the Indian Railways, by setting aside the Tender Notification vide No.C/C/79/Catg/GMUs/A1,A,B,C/1/2026, File No.SCR-SCOCOMM(Cate)/3/2022-O/o ACM/GOOD/SC/SCR, dated 16.10.2023 to the extent of the Petitioner's catering stall GMU No.30 on Platform No.2 at Khammam Railway Station, as it is the subject matter of the above Writ Petition, which is pending for adjudication, pending disposal of the above Writ Petition.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to allow the amendment of writ prayer in the above Writ Petition No.29381 of 2023 by replacing the present prayer, "For the aforementioned reasons, it is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order

or direction more particularly one in the nature of a Writ of Mandamus by declaring the action of the Respondent No.4 in not following the circulars issued by the Respondent No.1 Railway Board's circular vide Letter Ref. No. 2020/Catering/600/03, dated 21.05.2020 and 01.06.2020 and not considering the Petitioner's representation dated 26.06.2023 and extending only 71 days i.e., up to 14.07.2023, instead of 540 days of the Petitioner's contract period even though the Petitioner is entitled for the extension of 540 days of her contract period including the dies non period of 303 days and Residual period of 237 days, beyond 14.07.2023 pertaining to Petitioner's stall GMU No.30 on Platform No.2 at Khammam Railway Station at par with the other Divisions of the South Central Railway and also other Zones of Indian Railways and further directed the Petitioner to cease her business operations of her stall GMU No.30 on Platform No.2 at Khammam Railway Station and also threatening to remove the said stall as illegal, arbitrary and violation of Principles of Natural Justice, besides violative of rights guaranteed under Articles 14,19 and 21 of the Constitution of India and consequently set aside the impugned Letter Ref. No. C/C/79/Catg/GMU-30/PF-2/BZA end/KMT/ 17, dated 12.07.2023 issued by the Respondent No.4 and direct the Respondent No.4 not to interfere with the Petitioner's business and further direct the Respondents to extend the Petitioner's license period for 540 days (303+237) beyond 05.05.2023 by considering the closure period of the Petitioner's stall for 374 days from 22.03.2020 to 30.03.2021 (303 days) as dies non period along with the residual period of 237 days for the percentage of loss of sales due to less passenger footfall in the said period subject to payment of license fee pertaining to the Petitioner's stall GMU No.30 on Platform No.2 at Khammam Railway Station and allow the Petitioner to conduct her business in the above said stall forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of Justice." With the following amended prayer, "For the aforementioned reasons, it is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of a Writ of Mandamus by declaring the action of the Respondent No.4 in not following the circulars issued by the Respondent No.1 Railway Board's circular vide Letters Ref. No. 2020/Catering/600/03, dated 21.05.2020 and 01.06.2020 and not considering the Petitioner's representation dated.18.07.2023, and extending only 71 daysi.e., up to

14.07.2023, instead of further540 days of the Petitioner's contract period even though the Petitioner is entitled for the extension of 540 days of her contract period including the dies non period of 303 days and Residual period of 237 days, pertaining to Petitioner's stall GMU No.30 on Platform No.2 at Khammam Railway Station at par with the other Divisions of the South Central Railway and also other Zones of Indian Railways and further directed the Petitioner to cease her business operations of her stall GMU No.30 on Platform No.2 at Khammam Railway Station from 15.07.2023as illegal, arbitrary and violation of Principles of Natural Justice, besides violative of rights guaranteed under Articles 14,19 and 21 of the Constitution of India and consequently set aside the impugned Letter Ref. No.C/ C/ 79/Catg/ GMU-30/ PF-2 /BZA end/KMT/17, dated.27.07.2023issued by the Respondent No.4 and direct the Respondent No.4 to allow the petitioner to re-open her stall and not to interfere with the Petitioner's business and further direct the Respondents to extend the Petitioner's license period for further540 days (303+237)from the date of order of this Hon'ble Court, by considering the closure period of the Petitioner's stall for 303 days from 01.06.2020 to 30.03.2021 (303 days) as dies non period along with the residual period of 237 days from 31.03.2021 to 30.04.2022for the percentage of loss of sales due to less passenger footfall in the said period subject to payment of license fee pertaining to the Petitioner's stall GMU No.30 on Platform No.2 at Khammam Railway Station and allow the Petitioner to re-open and conduct her business in the above said stall forthwith.

Counsel for the Petitioner: SRI NAVEEN KUMAR.V
Counsel for the Respondents: SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA

The Court made the following: ORDER

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION NO.29381 OF 2023

Sri Naveen Kumar Vasireddy, learned counsel for the petitioner.

ORDER:

Learned counsel appearing for the petitioner seeks to withdraw the writ petition on the ground that the petitioner is not in a position to pursue the litigation.

2. W.P.No.29381 of 2023, along with all connected applications, is accordingly dismissed as withdrawn.

Interim orders, if any, shall stand vacated. There shall be no order as to costs.

SD/- K.SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI NAVEEN KUMAR.V, Advocate [OPUC]
2. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA [OPUC]
3. Two CD Copies

PSK.

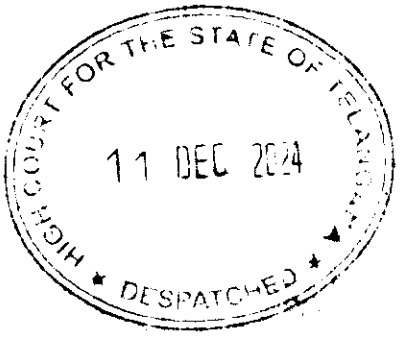
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HIGH COURT

DATED:04/12/2024

ORDER

WP.No.29381 of 2023



DISMISSING THE WRIT PETITION AS WITHDRAWN WITHOUT COSTS.

10/12/24