

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

09.01.2025

BP/AGM
Sl. 20
Court No. 14

WPA 618 of 2025

Bhimasen Singh
Vs.
The Union of India & Ors.

Md. Sarwar Jahan
Mr. Asif Mehdi
Ms. Tapati Sarkar
..for the petitioner

Mr. Asok Bhaumik
..for the Railways

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is running a multipurpose stall on platform no. 1 at Bhagalpur Station. The contract of the petitioner has expired on 31st October, 2024. In view of the seventy days dies non period allowed by the railway, the petitioner had an extended period of the contract till 9th January, 2025. The said period is expiring today.
3. The petitioner has been directed to hand over possession of the stall to the railway authority as per the terms and conditions of the contract agreement.
4. The petitioner relies upon order passed by this Court in similar matters wherein the Court, on humanitarian grounds, directed that no coercive measures against the petitioner shall be taken for a period of three months from the date of communication of the order. The petitioner prays for similar relief.
5. Learned advocate representing the railways submits

that the petitioner has not paid the licence fee. It has been submitted that as on date the railways have not preferred any appeal against the order relied upon by the petitioner.

6. On a perusal of documents annexed as Annexure P-10 it appears that the payment for the extended period has already been paid by the petitioner on 1st January, 2025.
7. In line with the order passed by a Co-ordinate Bench on 3rd October, 2024 in WPA 25113 of 2024 (Bibha Ray vs. The Union of India and others) the Court is inclined to allow three months' time, on humanitarian ground, to the petitioner to vacate the multipurpose stall and hand over possession of the same to the railways.
8. The petitioner will be obliged to pay the licence fee as assessed by the railway authority.
9. The writ petition stands disposed of.
10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

