

28-01-2025
Item No.8
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.2158 of 2025
Ram Kishore Ray
-vs-
The Union of India & Ors.

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

Mr. Asok Bhowmik
Mr. Guddu Singh ...for the Union of India

1. Affidavit of service filed in Court be taken on record.
2. The petitioner is running a tea stall on platform nos. 2 and 3 at Malda Town station. The contract of the petitioner expired on November 20, 2024. In view of the seventy days dies non period allowed by the railway, the petitioner has an extended period of the contract till 29th January 2025.
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. In line with the order passed by a co-ordinate Bench on **October 3, 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 grounds, to the petitioner to vacate the stall and hand over possession of the same to the railways.
7. Subject to the payment of the licence fee for the dies non period by tomorrow (January 29, 2025), the railways shall permit the petitioner to use the stall for the extended period.
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. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

