

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Ct.551 **17.06.25**
Item No.06 Sws.M

WPA 11945 of 2025

**DG Raj Highway Services
Vs
Union of India & Ors.**

Mr. Saptarshi Roy
Mr. Siddhartha Roy
Ms. Kakali Das Chakraborty
....for the petitioner

Mr. Dwijadas Chakraborty
...for the respondents

1. The writ petitioner has approached this Court seeking inter alia issuance of a writ of mandamus directing the respondent authorities to “suspend operation of the Parcel Van in connection to Train No. 03173-74 Kanchanjunga Express Round Trip only from (Agartala to Sealdah) by invoking Clause 7.9 of the Lease Agreement”.
2. The petitioner claims its rights as a lessee in terms of ‘an agreement for leasing of parcel space “23MT in Parcel Vans by Train No. 03173-74 or on 3173-74, Kanchanjunga Express from Sealdah to Agartala and back of round trip basis”.
3. The petitioner submits that since the petitioner had been facing operational inconveniences in transportation of consignment from Agartala to

Sealdah, therefore it approached the Respondent/Railway Authorities by way of a representation dated May 6, 2025 seeking their intervention in the matter. Such representation has not yet been considered and no decision has yet been taken by the Respondent/Railway Authorities on the same as yet.

4. Learned advocate appearing for the Respondent/Railway Authorities submits that the allegations leveled in the writ petition as well as the said representation made by the petitioner are wholly unfounded and that the petitioner has not been facing any such inconvenience as alleged.
5. Having heard the learned advocates for the respective parties and having considered the material on record it appears that this Court at this juncture, need not assess the worth of the allegations and counter allegations by entering into the controversy as to whether the petitioner is facing operational inconveniences as alleged or not.
6. The petitioner has already made a representation before the Respondent Railway Authorities on May 6, 2025 requesting inter alia as follows:

“In the premises, competent authority is requested to give effect to Clause 7.9 and to suspend the Leasement Operation in connection to the present,

Agreement, only to the extent from (Agartala to Sealdah), keeping the Sealdah to Agartala operative under the present Agreement till the operational inconveniences as faced by your undersigned is sorted out and accordingly the period of suspension of operation from (Agartala to Sealdah) is to be treated as 'Dies non'..

7. Since it has been submitted that the Lease Agreement is still subsisting and the petitioner has invoked clause 7.9 thereof which provides that in case of any dispute pertaining, *inter alia*, to operational problems, the Railway Administration (CCM) would have authority to deal with such situation as such authority deems fit, depending upon the merit of the case, this Court is of the view that the matter should at the first instance be decided by the Railway Authority itself.
8. In such view of the matter, the respondent No. 3 is directed to consider and dispose of the petitioner's representation dated May 6, 2025 (Annexure P-5 to the writ petition at page 97 thereof) by passing a reasoned order, strictly in accordance with law upon giving an opportunity of hearing to the petitioner within a period of three weeks from the date of communication of this order.

9. It is needless to mention that the respondent No. 3 shall be free to take such decision as would be proper in the light of the contract governing the parties and the applicable law.
10. The respondent No.3 shall communicate the reasoned order passed by it within the aforesaid time frame to the petitioner within a week of passing thereof.
11. It is made clear that this Court has not gone into the merits of the controversy and dispute between the parties and that all points are to be left open to be decided by the respondent No. 3, in accordance with law.
12. Since no Affidavit-in-Opposition has been invited, allegations made in the writ petition are deemed not to have been admitted by the respondents.
13. With the above observations, WPA 11945 of 2025 is disposed of.
14. There shall, however, be no order as to costs.
15. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai , J.)