



W.P.No.15624 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.15624 of 2025
& W.M.P.No.17661 of 2025

M.Muthukumaran,
Flat No.2011, Banyan House,
No.471, MKN Road,
Alandur, Chennai-600 016.

... Petitioner

/versus/

Senior Divisional Commercial Manager/MAS
Southern Railway,
Divisional Railway Manager's Office,
Commercial Branch,
Chennai-03.

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 12.03.2025 passed in M/c.79/SMU-29/MAS/Concourse by the respondent and quash the same and direct the respondent to renew the license in respect of the catering stall SMU-29 situated at old Concourse (Between S/4 and IRCTC Tourism Facilitation Centre) earmarked for beneficiaries belonging to Scheduled Caste at Chennai Central Railway Station.



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For Petitioner : Mr.S.Ilamuhil
For Respondent : Mr.A.S.Vijayaraghavan, Senior Panel Counsel

ORDER

The writ petition is filed challenging the impugned order dated 12.03.2025. By the said order, the representation of the petitioner dated 04.11.2024 for renewal of licence is considered by the respondent and it is rejected.

2. Heard the Learned Counsel for the petitioner. Mr.Ilamuhil, Learned Counsel taking this Court through the records of the case would submit that it is true that when the petitioner approached this Court by way of earlier round of Writ Petition No.32152 of 2023, the order was passed on 15.10.2024 dismissing the Writ Petition. However, even while dismissing, the petitioner is granted liberty to make a fresh application for renewal to the respondent and on such application, the respondents have to pass appropriate orders. Accordingly, the petitioner made the present representation. Now, the same is rejected. The impugned order refers to the Catering Policy, 2010. The same was superseded long ago in the year 2017. Even the new policy is mentioned in the agreement that was entered into in the petition. Therefore, the



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entire impugned order smacks of complete non-application of mind. With

reference to the penalties that are mentioned in the impugned order, the Learned Counsel would draw the attention of the Court to the relevant guidelines governing the contract which categorically say that straight way penalty cannot be imposed even if there is any violation, the petitioner has to be counselled for three times and thereafter, the manner in which the penalty has to be imposed also is provided thereunder. Straightaway the petitioner was imposed with a penalty of Rs.10,000/- etc., which is incorrect in law. Therefore, all the reasons that are stated in the impugned order are untenable and therefore, he request that the writ petition be allowed.

3. Heard Mr.A.S.Vijayaraghavan, Learned Senior Panel Counsel appearing for the respondent also who would support the impugned order.

4. I have considered the rival submissions that are made. Even assuming that the reliance that is placed on the 2010 Catering Policy is erroneous and the petitioner's contention is correct, that is not the only ground on which the representation has been dismissed. The representation is also dismissed on the ground that on various occasions, the petitioner was mind. On six occasions whereby the petitioner sold *Medu Vada* for Rs.30/- instead of



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Rs.25.50/-, the petitioner sold stale *Egg Biryani*, and all the other excesses

committed by the petitioner are extracted in the impugned order. It can be seen that when the penalty has been levied, if the same is wrongfully levied, the petitioner should have challenged the same in the year 2022, when the penalties were levied. However, after paying the amount now, the contention cannot be raised that the manner in which the penalty is imposed is erroneous in law. In any event, it can be seen that when the license to the present shop was refused to be renewed and an order was passed on 04.02.2023, the petitioner filed a writ petition No.32152 of 2023, with the following relief.

“Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the respondent dated 04.10.2023 in M/c.79/Catg/SMU29/MAS, quash the same and consequently direct the respondent to forthwith renew the contract of the catering stall SMU 29 at Old Concourse (Between S/4 & IRCTC Tourism Facilitation Centre) earmarked to Scheduled Caste at Chennai Central Railway Station for a period of 3 years from December 2023”



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5. The writ petition was considered on merits and after findings on

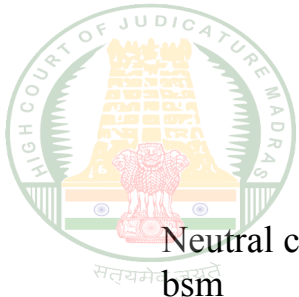
merits, the writ petition was disposed of on the following terms.

“7. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, liberty is granted to the petitioner to make a fresh application for renewal to the respondent and on such application, the respondent shall pass appropriate orders on merits and in accordance with law.”

6. In view thereof, when the very same relief has already been considered and dismissed, merely because the petitioner was given an opportunity to make a representation, that does not revive the entire cause of action. In any event, the representation has also been rejected for more than one reason in which the Court cannot interfere.

7. For all the above reasons, finding no merits, the writ petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

29.04.2025



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Neutral citation :No.

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To,

1. Senior Divisional Commercial Manager/MAS,
Southern Railway,
Divisional Railway Manager's Office,
Commercial Branch,
Chennai-03.

2. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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