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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6306/2025 & CM APPL. 28729/2025, CM APPL. 28730/2025, CM APPL. 28731/2025

HAZIR HUSSAIN

.....Petitioner

Through: Mr. Akshat Bajpai, Mr. Shobhit Trehan, Advocates (M:7985177435)

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Anushkaa Arora, SPC with Mr. Yash Tyagi, Mr. Taranpreet Singh, Advocates for UOI (M:9810570295)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

13.05.2025

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1. The present writ petition has been filed for directions to the respondents to allow continued operation of the fruit stall of the petitioner at Moradabad Railway Station platforms.
2. Learned counsel for the petitioner submits that the petitioner's father was granted a fruit stall license in 1992 *vide* agreement dated 22nd September, 1992, renewed on 12th August, 1999. After the death of petitioner's father in 2022, the contract was transferred to the petitioner, subject to the ongoing litigation in W.P.(C) 13809/2018, which is pending before this Court.
3. It is submitted that the said stall with the petitioner's consent, was



recently shifted to a new platform location due to station remodeling.

4. Learned counsel for the petitioner draws the attention of this Court to the order dated 15th March, 2019, in *W.P.(C) 13809/2018*, passed by this Court, wherein, this Court had directed the maintenance of *status quo* for minor catering units, including, petitioner's stall, until disposal of the said petition.

5. Further, learned counsel for the petitioner has relied upon the order dated 17th May, 2023, passed in *W.P.(C) 6617/2023*, and order dated 27th September, 2023, passed in *W.P.(C) 12793/2023*, to submit that directions have already been issued to the respondents to not take any coercive steps against the petitioner challenging the restrictive letters that sought to limit platform vending.

6. Petitioner has also relied upon the order dated 14th May, 2024 passed in *Cont. CAS (C) No. 731/2024*, wherein, the respondents undertook to keep the restrictive letter dated 14th September, 2022, in abeyance.

7. Learned counsel for the petitioner submits that despite judicial protections, the respondents have continued to interfere with the petitioner's business by taking enforcement actions against the petitioner's vendors, including challans.

8. It is submitted that challans are being issued to the petitioner, despite the undertaking that the letter dated 14th September, 2022, will be kept in abeyance.

9. *Per contra*, learned counsel for the respondent/Railways, submits that the petitioner has not filed any representation with the respondent before approaching this Court.

10. She confirms the fact that there are judicial orders, on account of



which, vending stall of the petitioner is protected. However, she submits that the petitioner is required to carry out his vending activities on the basis of various terms and conditions and directions, as issued by the respondents from time to time.

11. She further submits that the present petition can be treated as a representation, so that the case of the petitioner can be evaluated, as regards the issuance of various challans from time to time.

12. Learned counsel for the petitioner submits that he has no objection if the present petition is treated as representation, before the respondent/Railways.

13. Accordingly, with the consent of the parties, it is directed that the present writ petition shall be considered as a representation by the respondents.

14. The petitioner herein, shall be granted a personal hearing, and upon the said personal hearing, a Speaking Order shall be passed by the respondent.

15. Let the process of granting hearing to the petitioner and passing of a Speaking Order be completed by the respondents, within a period of four weeks from today.

16. In case, the petitioner is aggrieved by any Speaking Order passed by the respondent/Railways, the petitioner shall be at liberty to seek his remedies, in accordance with law.

17. Needless to state that the petitioner shall continue to comply with the various terms and directions, as issued by the respondents, for regulating the functioning of the fruit stall being run by the petitioner.



18. With the aforesaid directions, the present petition, along with pending applications, is accordingly, disposed of.

MAY 13, 2025
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MINI PUSHKARNA, J