

S/L 6
17.06.2026
Court. No. 25
suvayan

WPA 4200 of 2024
With
CAN 1 of 2025

Scavengers Organization
Vs.
Union of India & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Mr. Rajdeep Bose
Ms. Babita Pramanik
Mr. Raja Roy

...for the petitioner.

Mr. Sahasrangshu Bhattacharjee
Mr. Ravi Ranjan Kumar

...for the respondents.

1. The petitioner has filed the present writ application challenging the impugned order dated November 28, 2023 wherein the respondents have informed the petitioner that extension of the agreement with respect of operation and maintenance of Pay and Use Toilet at Barasat Junction Railway Station for another five years with effect from June 10, 2020 to June 9, 2025 subject to payment fresh annual license fee amounting to Rs. 8,27,182/-.
2. On receipt of the said impugned order, the petitioner has made representation to the authorities on January 31, 2024 informing that the petitioner was not able to use the said Pay and Use Toilet due to Covid-19 and he is requested the authorities to consider his case for enhancement of the rent minimum at the rate of 10 per cent of the prevailing rent instead of Rs. 8,27,182/- per year.

3. Learned counsel for the petitioner submits that the petitioner has also not used 2020 to 2023 and as such the petitioner may be exempted for payment of any rent of the said period i.e., June 10, 2020 to December 9, 2023.
4. Learned counsel appearing for the railway authorities submits that as per the agreement entered between the parties the time period was 10 years, the 10 years has been completed on August, 2025. After the completion of the agreement period, the petitioner intending to continue with the agreement and as such the authorities have fixed the yearly rate of Rs. 8,27,182/-, if the petitioner is not intending to pay the said amount, the petitioner has to vacate the premises so that the respondent authorities can handover the said premises to some other persons at the rate of Rs. 8,27,182/- per year.
5. Learned counsel appearing for the railway authorities submitted that the railway authorities have submitted the details of the dues pending against the petitioner totaling an amount of Rs. 64,00,483/- in which the railway authorities have considered the Covid-19 pandemic period from June 10, 2020 to November 10, 2020 and reduced the amount for 154 days amounting to Rs. 3,49,003/- and the petitioner is liable to pay Rs. 6,51,480/- up till June 15, 2026.
6. Learned counsel for the petitioner submits that the petitioner has made a detailed representation to the respondent authorities for consideration of the request of

the petitioner for continuing the agreement at the nominal rate by increasing the 10 per cent of the prevailing monthly rent of the said Pay and Use Toilet as well as for consideration of the request for not to charge the rent from June 10, 2020 to December 9, 2023 as petitioner could not be able to utilize the said Pay and Use Toilet for the purpose of his business.

7. This Court finds that it is the authorities to decide the grievances of the petitioner.
8. Accordingly, the writ petition is disposed of by directing the respondent no. 2 or any other competent authority to consider the representation of the petitioner dated January 31, 2024 within a period of three weeks from the date of receipt of this order by giving an opportunity of hearing to the petitioner and to pass a reasoned and speaking order.
9. It is made clear that till the decision is taken by the respondent no. 2 or the competent authority on the representation of the petitioner, the possession of the petitioner shall not be disturbed, if the decision is taken against the petitioner, the petitioner shall vacate the premises within a week thereafter.
10. WPA 4200 of 2024 and CAN 1 of 2025 are disposed of.
11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)