

(1951) 11 MAD CK 0045

In the Madras High Court

Case No : Writ Petition No. 648 of 1951

In Re: V. Nagalingam Servai and Others

Date of Decision : 08-11-1951

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1952 Mad 834 : (1952) 65 LW 336 : (1952) 2 MLJ 28

Hon'ble Judges : Rajamannar, C.J.;Venkatarama Aiyar, J

Bench : Division Bench

Advocate : Arunachalam and Jagannadhan and Co, for the Appellant;

Final Decision : Dismissed

Judgement

Rajamannar, C.J.—The petitioners have been for a long number of years vending various articles on the platforms of the Madhurai junction under permission granted to them originally by the South Indian Railway Company Ltd. They were granted licences and a monthly fee was being collected from them. From the 1st April 1951 the Government have taken over the railway. On the 28th September 1951, a notice was served on the petitioners cancelling the licences issued to them with effect from 1st November 1951. This application is for the issue of directions or orders appropriate to the case regarding the cancellation of these licences.

2. It may be that this action on the part of the railway authorities is likely to cause great hardship to the petitioners as they would be thrown out of employment and deprived of the means of earning their livelihood by carrying on this business. But the learned counsel for the petitioners has not been able to establish any right in the petitioners which we could enforce as against the State. Admittedly, the railway platform must be deemed to be the private property of the Railway Department of the Government and the position of the petitioners was that of bare licencees. Undoubtedly , the licence is not coupled with any interest and can be revoked at any time and without any reason. It may be that the Railway Authorities intend to grant the right of vending to a single individual. But it is not for us to criticise the policy of the railway administration. All that we

can say is that there is nothing illegal in such a course. We are not convinced that any fundamental right of the petitioners has been in any manner infringed by the action of the Railway Authorities. The application is dismissed.