



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14431 of 2018

M/s J. B. Lal and Sons Vending Contractor, Circulating Area, Danapur Railway Station, through its proprietor Sri Pramod Bihari Lal, son of Late Jai Bihari Lal, R/o Main Road, Sadar Bazar, P.S.- Danapur Cantt., District- Patna.

... .. Petitioner

Versus

1. The Union Of India through Divisional Railway Manager, Eastern Railway, Danapur.
2. The Divisional Commercial Manager, Danapur.
3. The Assistant Commercial Manager (Catering) Danapur.
4. The Station Manager, Danapur Railway Station, Patna.
5. The Senior Divisional Engineer (CORD)-Cum- Estate Officer, E.C. Railway, Danapur, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Gautam Kumar Kejriwal, Advocate
	:	Mr. Alok Kumar Jha, Advocate
	:	Mr. Pawan Kumar Singh, Advocate
	:	Mr. Mukund Kumar, Advocate
	:	Ms. Amrita Dubey, Advocate
For the Respondents	:	Mr. Awadhesh Kumar Pandey, Sr. CGC
	:	Mr. Ravinder Kumar Sharma, CGC
	:	Mr. Lokesh, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 05-08-2026

1. The petitioner has filed the Writ petition
for the following reliefs:

*“a. For setting aside the latter of
removal dated 25.06.2018 issued by the
respondents for catering stall allotted at
16.07.2018 circulating area of Danapur
Railway Station.*

*b. For issuance of a writ in the
nature of Mandamus directing the*





respondent authorities to provide sufficient space to run the cheap meal stall by the petitioner in the circulating area of Danapur Railway Station.

c. For issuance of a direction to provide the calculation chart of license fee if any due after adjustment of amount paid by the petitioner to the petitioner.

d. For issuance of a direction to the respondents to accept the demand drafts made by the petitioner in favour of the respondents as a license fee.

e. For issuance of a direction to the respondents not to remove or disturb the cheap meal stall being operated by the petitioner

f. For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

2. The brief facts, as culled out of the Writ petition, are that the petitioner is a proprietorship firm and has been running a Cheap Meal Stall in the circulating area of Danapur Railway Station since 1957 pursuant to an agreement with the respondent-Railway Department. The agreement





was renewed from time to time up to 26.02.1993, which was the last agreement for a period of two years. Thereafter, a retrospective demand towards license fee was raised by the Railway Department against the petitioner on 26.05.2005. Being aggrieved by the same, the petitioner filed CWJC No.12920 of 2005, which was disposed of along with a batch of Writ petitions vide common order dated 19.07.2010.

3. The operative portion of the order passed in the batch of matters reads as follows:

“The Court is informed that a new catering policy is in the offing and that will take care of a lot of issues urged in the present writ applications. I hope that the new catering policy is more rational and based on some scientific study in this regard based on some data and inputs collected by the respondents. The Court however is not much impressed on the issue of a new policy specially if it does not take care of the grievance of some of the petitioners which has been noticed in this order. In all these cases where the demands





raised are not based on consideration of all the parameters which have gone into fixing the revision, they shall have the freedom to represent before the respondents for reconsideration. But in other cases where the issue is only for recovery of outstanding license fees which was being enforced on passing of the final order of Hon'ble Supreme Court, the respondents have freedom to proceed.

All the writ applications stand disposed of with the observation as above."

4. Pursuant thereto, the respondent-authorities raised a fresh demand, without adjusting the payments already made by the petitioner. Being aggrieved by the same, the petitioner approached this Court by filing CWJC No.750 of 2013, which was also disposed of with a direction to pay the license fee in installments. Subsequently, the petitioner filed a representation before the authorities on 19.08.2016, raising his grievances and requesting that the payments which were made by him, were not considered by





the Railway Department, be duly considered.

5. In reply to the said representation, proceedings were initiated by the State Officer vide letters dated 11.10.2011 and 27.09.2011. It was contended that the representation had remained pending before the State Officer for a considerable period. In spite of the said proceedings, a notice was issued to the petitioner to appear before the State Officer on 21.12.2017.

6. It is the specific contention of the Learned counsel for the petitioner that the parties were initially asked to vacate the premises for transfer of the catering stall from the Commercial Department to the Engineering Department. The Senior Divisional Commercial Manager, Danapur, submitted a detailed report to the Senior Divisional Engineer, E.C. Railway, Danapur, on 11.10.2011 with respect to the petitioner's Cheap Meal Stall. As per the said report of the Senior Divisional Commercial Manager, Danapur, the commercial license should be transferred to the Engineering Department along with all its liabilities provided





there are known issues in the case.

7. Further, the Learned counsel for the petitioner submits that, in spite of the recommendation made by the Senior Divisional Commercial Manager, Danapur, a notice to vacate the premises was issued on 25.06.2018. Being aggrieved by the same, the present Writ petition has been filed.

8. It is also submitted that during the pendency of the Writ petition, the petitioner was made to vacate the stall and, subsequently, the stall was also demolished. The Writ petition is also filed challenging the impugned order and the matter requires consideration.

9. On the other hand, the Learned Senior Counsel for Central Government appearing for the respondents contended that nothing remains in the Writ petition for adjudication and that the matter has become infructuous, as the stall of the petitioner was demolished and the same was not challenged by the petitioner, in the present Writ petition.





10. Heard the Learned counsel for the petitioner as well as the Learned Senior counsel for Central Government i.e. for the Railways.

11. On perusal of the reliefs prayed for by the petitioner, it is evident that the second relief specifically seeks a direction to the respondent authorities to provide sufficient space to run the Cheap Meal Stall in the circulating area of Danapur Railway Station and further seeks a direction to provide the calculation chart of the license fee, if any due, after adjustment of the amount paid by the petitioner, as well as for a direction to accept the demand drafts of the petitioner in favour of the respondents towards license fee.

12. Therefore, the question of the Writ petition becoming infructuous would not arise, as only the relief mentioned in paragraph 1(a) has become infructuous, whereas the other reliefs can still be considered by this Court.

13. At this juncture, the Learned counsel for the petitioner submits that, in view of the fact that the stall has been demolished by the Railway





Department, he seeks liberty to make a representation before the Railway authorities for providing space to run the Cheap Meal Stall by the petitioner, in view of the recommendation made by the Senior Divisional Commercial Manager, Danapur, dated 11.10.2011, which is in favour of the petitioner, as well as the rough sketch plan dated 27.09.2011 prepared by the Senior Divisional Commercial Manager, Danapur.

14. As the Learned counsel for the petitioner himself submits that he intends to make a representation before the Senior Divisional Commercial Manager, Danapur, this Court, without going into the merits of the case, directs the petitioner to file a fresh representation before the Senior Divisional Commercial Manager, Danapur, within a period of one month from the date of receipt of a copy of this order.

15. In turn, the Senior Divisional Commercial Manager, Danapur, shall pass appropriate orders, considering all the documents and materials placed before him, in accordance





with law, within a period of three months thereafter.

16. With the aforesaid observation, the Writ petition stands disposed of.

17. Interlocutory application(s), if any, shall also stand disposed of.

(G. Anupama Chakravarthy, J)

Shanu/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.08.2026.
Transmission Date	N/A

