

(2010) 09 JH CK 0148

In the Jharkhand High Court

Case No : Writ Petition (C) No. 5703 of 2009

Mithoo Lall @ Mithoo Lall Pandey and Others

APPELLANT

Vs

South Eastern Railway and Others

RESPONDENT

Date of Decision : 20-09-2010

Acts Referred:

Citation : (2011) 1 JCR 251

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Mr. Allam. learned senior counsel, appearing for the Petitioners, submitted that the Petitioners have filed this writ petition against the wrong actions of the Railways. Petitioner No. 1, who was having a surahi and pankha Stall at Platform of Tata Railway Station, has been wrongly removed. The Railway did not renew the allotment of Petitioner No. 2 and has sealed his Chemist Shop, though upto date licence fee was paid. With regard to Petitioner No. 3, he submitted that even as per the policy of the Railway, an exclusive Chemist Stall can be provided at "A-1" category Stations.

2. On the other hand, Mr. Tiwari, appearing for the Railway, submitted that in view of the recent policy of the Railways, no person can be allowed to hold a stall beyond 8 years, whereas Petitioners were continuing for a very long time without valid renewal of the allotment.

3. It appears that pursuant to the order passed in WPC No. 1537 of 2009 on 29th April, 2009, the Railways passed the order dated 2.6.2006 (Annexure-11), which has been impugned in this writ petition. It appears from the said order that after 31.11.2005, no extension or permission was granted to run the stalls in question, and as such they were run unauthorisedly, and that it was necessary to remove the stalls in question as they were making congestion on the platform.

After going through the impugned order, in my opinion, no grounds are made out for interference with the same. In view of the new policy, the Petitioners cannot

claim that they should be allowed to run the stalls. However, if the Railways intend to allot Chemist Shop at Chakradharpur Railway Station and Jamshedpur Railway Station, terms of new policy, Petitioner Nos. 2 and 3 may also apply and other things being equal, some weightage should be given to them keeping in view that they have been running such stalls from a long time.

It goes without saying that if any belonging of the Petitioners is lying with the Railways, they will be entitled to take away the same in presence of two independent witnesses.

With these observations and directions, this writ petition is disposed of.