

(2020) 12 PAT CK 0246

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 8914 Of 2020

Nand Lal Barbariya

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision: Dec. 23, 2020

Hon'ble Judges: Vikash Jain, J

Bench: Single Bench

Advocate: Gautam Kumar Kejriwal, Bijoy Kumar Sinha

Final Decision: Disposed Of

Judgement

1. This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioner -

â€œi) For issuance of a writ in the nature of certiorari for quashing of the notice dated 17/21.12.2019 and also the notice issued vide ref. no.

W/214/railbhumi/anu.abhi.(karya)line/sam. Dated 20/21.02.2020 whereby a demand for licence fee with increment from retrospective effect (from

01.04.1995 till 2019-2020) has been made in direct contravention of the relevant guidelines issued by the respondent Railway Board from time to time;

ii) For issuance of a writ or order or direction restraining the respondents from any action for recovery of the amount so demanded by way of the

impugned letters and also for restraining the respondents from any other consequential action as a result of non-payment of the amount so demanded through the impugned letter;

iii) For holding and a declaration that the revision of licence fee can be done by the respondents only in accordance with clause 7 of the Railway

Boardâ€™s letter no. 2005/LML/18/8 dated 10.02.2005;

iv) For holding and a declaration that there canâ€™t be a retrospective revision of license fee with effects of enhancement so as to hold the petitioner

liable for payment of the difference which is contrary to and violative of the guidelines issued by the respondent Railway Board;

v) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.â€

3. At the very outset, learned counsel for the petitioner and learned counsel for the Respondent-Railway submit in unison that the matter stands

covered by the order dated 04.11.2019 passed by this Court in CWJC No. 18109 of 2018 (Vijay Sah vs. The Union of India and others). Other writ

petitions namely, CWJC No. 8604 of 2020 (Bharat Kumar Agarwal @ Bharat Kumar vs. The Union of India and others) and analogous cases have

also been disposed of by order dated 06.11.2020 on the same lines.

4. Having regard to the stand of the parties, the present writ petition is also accordingly disposed of in line with the aforesaid orders of this Court and

the observations and directions contained therein shall govern the petitioner of the present case.

5. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the

stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.