

M/S A. H. Wheeler & Co. (Pvt.) Ltd Vs Indian Railways And Ors

Court: Calcutta High Court (Appellate Side)

Date of Decision: Jan. 8, 2025

Hon'ble Judges: T.S. Sivagnanam, CJ; Hiranmay Bhattacharyya, J

Bench: Division Bench

Advocate: Sonal Shah, Kushagra Shah, Ritturika Banerjee, Aniket Chaudhury, Asok Bhaumic, Ayanabha Raha

Final Decision: Dismissed

Judgement

1. This intra court appeal is directed against the order dated 20th December, 2024 in WPA 30141 of 2024.

2. The appellant was aggrieved by an order passed by the Senior Divisional Commercial Manager, Eastern Railway, Sealdah dated 20th September,

2024.

3. This order came to be passed pursuant to a direction issued by this court in WPA 18759 of 2024 dated 01.08.2024. A reading of the said order will

show that the appellant/writ petitioner contended before the court that it may be allowed to 141 days more over and above the time already allowed to

the appellant/writ petitioner to continue the shop in the light of the Railway Board's Notification dated May 21, 2020.

4. After hearing the submissions on behalf of the respondent/Railways, the writ petition was disposed of directing the authority to treat the writ petition

as a representation of the petitioner and dispose of the same in accordance with law upon hearing the petitioner and a time frame was also fixed for

decision to be taken and communicated to the appellant.

5. Thus, it is clear that the appellant was fully satisfied and their requirement was only 141 days.

6. Taking note of the direction issued by the learned Single Bench the railway authorities have passed a reasoned order and granted the time for 141

days. The extended period was enjoyed by the appellant and at the fag end of the extended period representations were made to the Divisional

Commercial Manager.

7. It is to be noted that the decision to extend the time was pursuant to a direction issued in the writ petition at the instance of the appellant who had

consciously made a submission that it may be allowed 141 days more and above.

8. Therefore, the appellant cannot eternally continue to be a licensee of a multi-purpose stall in a railway platform and there is no vested right for the

appellant.

9. That apart, the grant of such licences is public lurches and, therefore, the competitive bidding has to be followed by the Railway Board and for such

purpose the Railway Board has formulated a policy.

10. Therefore, we find no ground to interfere with the order passed by the learned Single Bench and, accordingly, the appeal fails and dismissed.

11. It will be open to the appellant to participate in the tender which may be called for by the railway authorities.