

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18157/2024

Dipak Talwar S/o Late Shri Narendra Kumar Talwar, Aged About 53 Years, R/o Near Vivekananda Park, Bhim Ganj Mandi, Kota Junction, Kota, Rajasthan- 324002

-----Petitioner

Versus

1. Union Of India, Through Secretary, Ministry Of Railways, Room No. 239, Rail Bhawan, Raisina Road Cp, New Delhi-110001
2. West Central Railway, Through General Manager, Indira Market, Jabalpur, Madhya Pradesh -482001
3. Additional General Manager, West Central Railway, Jabalpur, Madhya Pradesh -482001
4. Chief Commercial Manager (Passenger Service), West Central Railway, Jabalpur, Madhya Pradesh -482001
5. Sr. Divisional Commercial Manager, West Central Railway, Kota Division, Drm Office, Kota, Rajasthan 324002
6. Assistant Commercial Manager, West Central Railway, Kota Division, Drm Office, Kota, Rajasthan 324002
7. Station Director, Kota Junction, Kota, Rajasthan 324002

-----Respondents

For Petitioner(s)	:	Mr. Yash Sharma
For Respondent(s)	:	Mr. P.C. Sharma

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Judgment / Order

17/12/2024

Learned counsel for the petitioner submits that vide communication impugned dated 19.11.2024, he has been informed that the competent authority has not granted sanction for transfer of the food stall licence in his favour after death of the licensee-his mother Smt. Subhash Talwar. He submits that till date

he has not been communicated with order of the competent authority declining his request for transfer. He further submits that the subject food stall is being run by the family since the year 1995. He relies upon a judgment of the Hon'ble Supreme Court of India in the case of **Senior Divisional Commercial Manager and Ors. Vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association and Ors.; AIR 2016 SC 668** to buttress his submission that it is his fundamental right to continue with the business of food stall.

Learned counsel for the respondents prays for and is granted three weeks' time to file reply.

List the matter thereafter.

Heard learned counsel for the petitioner on interim relief.

Taking into consideration the contentions advanced by him and material on record, this Court deems it just and proper to direct the parties to maintain status quo qua the subject food stall, till next date.

However, this order will not come in way of the respondents in moving an application under Article 226(3) of the Constitution of India, if so advised.

(MAHENDAR KUMAR GOYAL),J