

WPA 15360 of 2024

14.6.2024

ct.25, sl. 10
sk

Rashmi Metaliks Ltd.-vs- Union of India & Ors..

Mr. Jishnu Chowdhury
Mr. Debrup Bhattacharjee
Ms. Tonoya Ghose
Ms. Shusma Santra
.....for the petitioner

The petitioner is the licensee of the railway land. Pursuant to the licence, and the policy framed therefor, the petitioner is required to submit the licence fee. Therefore, since occupying the said railway land on and from June 20, 2018, the petitioner has been paying licence fee, payable each year, to the tune of 10% of the land value, to the respondent railway.

The licence fee remitted by the writ petitioner for the year 2023-2024 is amounting to Rs. 3,40,996/-. The petitioner is aggrieved by the demand raised by the respondent railways vide letter dated January 18, 2024, enhancing such fees, allegedly on the baseless and frivolous grounds of enhancement of the land value. Petitioner's contention is that such abrupt and unreasonable hike in land value is not in accordance with the actual land value, hence,

arbitrary. It has contended that the land value as taken as well as the license fee as determined by the respondent railways, would not be maintainable.

Mr. Chowdhury, learned advocate appearing for the petitioner has pointed out to the e-assessment slip, annexed with the writ petition dated May 23, 2024 and submits that actual market value of the land as on the same date, would be Rs. 2,11,61,250/-, per acre.

Accordingly, the petitioner is before this Court, for adequate relief, so that an appropriate license fee be charged against it by the respondent railways, in terms of the actual circle rate of the land and the unreasonable and erroneous calculation of license fee, as by dint of the impugned demand notice dated January 18, 2024, be set aside.

The copies of the writ petition have already been served upon the respondents. However, none of the respondents appear, when the matter is taken up today.

Under such circumstances, this Court finds it proper to direct the respondent railways to

come up on the next date of hearing, with the report, showing the basis upon which the land value has been determined in the impugned demand notice dated January 18, 2024.

In the meantime, the operation/further operations of the impugned demand notice, issued by the concerned respondent railway authority, dated January 18, 2024, shall be stayed.

The petitioner shall continue in the meantime to pay the license fee as before during pendency of the present writ petition, however, subject to final order in this regard.

Let the matter come up in the list on 24.6.2024.

(Rai Chattopadhyay, J.)