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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA**

ON THE 18th OF MARCH, 2024

WRIT PETITION No. 28696 of 2023

BETWEEN:-

**UMA RAJAK W/O SHRI RAJESH RAJAK, AGED ABOUT 47
YEARS, OCCUPATION: CONTRACTOR, R/O H.NO. 28/1,
SHIVAJI WARD NO. 22, MATANI TOLA, SOHAGPUR,
DISTRICT SHAHDOL (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI ANIL KUMAR DWIVEDI- ADVOCATE)

AND

- 1. UNION OF INDIA, THROUGH DIVISIONAL
COMMERCIAL MANAGER, SOUTH EAST
CENTRAL RAILWAY, BILASPUR DIVISION,
BILASPUR (CHHATTISGARH)**
- 2. SENIOR DIVISIONAL COMMERCIAL MANAGER,
SOUTH EAST CENTRAL RAILWAY, BILASPUR
DIVISION, BILASPUR (CHHATTISGARH)**
- 3. AREA MANAGER, SOUTH EAST CENTRAL
RAILWAY, SHAHDOL, DISTRICT SHAHDOL
(MADHYA PRADESH)**
- 4. CHIEF STATION MANAGER, SOUTH EAST
CENTRAL RAILWAY, SHAHDOL, DISTRICT
SHAHDOL (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI DEVESH BHOJNE - ADVOCATE FOR UNION OF INDIA)

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*This petition coming on for admission this day, the court passed the
following:*

ORDER

This petition under Article 226 of Constitution of India has been filed

seeking the following reliefs:-

(I) That this Hon'ble Court may kindly be pleased to issue writ in the nature of mandamus directing the respondents to decide the application and representation of the petitioner vide Annexure P-4 in respect of the relaxation of the amount because of various reasons i.e. the Covid-19, construction of the railway track, extension of the railway track etc.

(II) Any other relief/order/direction/prod which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also kindly be granted to the petitioner along with cost of entire litigation.

2. It is submitted by counsel for petitioner that petitioner was granted contract for running a parking stand at Railway Station, Shahdol. The letter of acceptance was given to petitioner on 01.12.2021 but on account of Covid-19 Pandemic as well as on account of construction of work the multiple trains were cancelled and accordingly, the petitioner has suffered loss. Thus, a representation has been made by petitioner for relaxation in the amount. The said application is still pending. Accordingly, it is prayed that respondents may be directed to decide the said representation.

3. Considered the submissions made by counsel for petitioner.

4. This Court in exercise of power under Article 226 of Constitution of India can direct the authorities to decide the statutory representation and not the representation of any nature specifically non statutory.

5. The petitioner has not filed a copy of agreement to show that in case of cancellation of trains, respondents were under obligation to relax the amount. Even, it is not clear that in case of dispute whether there is any clause for arbitration or not?

6. Under these circumstances, this Court is of considered opinion that since the representation which has been filed by petitioner is of non statutory in

nature, therefore, it cannot be directed to be decided by the authorities.

7. It is submitted by counsel for petitioner that the representation is in the nature of mercy and therefore, respondents may be directed to decide the same by taking a sympathetic view.

8. The submissions made by counsel for petitioner cannot be accepted.

9. If the authorities have no jurisdiction, then they cannot be directed to decide the representation

10. Under these circumstances, no case is made out warranting interference.

11. Petition fails and is hereby **dismissed**.

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(G.S. AHLUWALIA)
JUDGE