

GAHC010004532022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/233/2022

MD. ANWAR HUSSAIN MAZUMDER AND 5 ORS
S/O LATE MAMTAZ ALI MAZUMDER, VILL-BARBOND PT-II, P.O.-BALIURA,
P.S. AND DIST-HAILAKANDI-788151

2: AJMAT ALI LASKAR
S/O LATE MASAN ALI LASKAR
VILL-BARBOND PT-III
P.O.-BALIURA
P.S. AND DIST-HAILAKANDI

3: ALTAF HUSSAIN LASKAR
S/O MOHIBUR RAHMAN LASKAR
R/O VILL-NISCHINTAPUR PART-II
P.S. AND DIST-HAILAKANDI

4: ABDUL KARIM LASKAR
S/O LATE KUTUBUDDIN LASKAR
VILL-BAWARGHAT PART-II
P.O.-BAWARGHAT
P.S. AND DIST-HAILAKANDI (ASSAM)

5: ABDUL HAQUE LASKAR
S/O ALAUDDIN LASKAR
VILL-NISCHINTAPUR PART-III
P.O.-MANADUNA
P.S. AND DIST-HAILAKANDI

6: ABDUL MALIK MAZUMDER
S/O LATE MASKANADAR ALI MAZUMDER
VILL-BARBOND PT-II
P.O.-BALIURA
P.S. AND DIST-HAILAKAND

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE GENERAL MANAGER, N.F. RLY, MALIGAON,
GUWAHATI, ASSAM, PIN-781011

2:THE GENERAL MANAGER (CON)
N.F. RLY (OPEN LINE)
MALIGAON
GUWAHATI
ASSAM
PIN-781011

3:THE DIVISIONAL RAILWAY MANAGER N.F RLY
LUMDING

4:DEPUTY CHIEF ENGINEER (CONS)
N F RLY
CACHAR
SILCHAR

5:THE COMMISSIONER
HILL AND BARAK VALLEY DIVISION
ASSAM
DISPUR

6:THE DEPUTY COMMISSIONER
HAILAKANDI
DIST-HAILAKANDI
PIN-78815

Advocate for the Petitioner : MS B DEVI

Advocate for the Respondent : SC, RAILWAY

**BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 22.06.2023

Heard Ms. B. Devi, learned counsel for the petitioners. Also heard Mr. K. Gogoi, learned standing counsel, appearing on behalf of State Respondents No. 1 to 4; and Mr. N. Goswami, learned Government Advocate, appearing on behalf of respondent No. 5 & 6.

This writ petition has been filed, seeking a direction to the respondents Railways for construction of a manned railway level crossing for Badarpur Bhairabi Railway Line at Azi Panchayat Road, Bawarghat Part-II, Hailakandi, instead of fixing iron pillars.

Ms. Devi, learned counsel for the petitioners, has drawn the attention of this Court to annexure 3 of the writ petition, which is a letter, dated 22.06.2015, written by the Deputy Commissioner, Hailakandi, to the General Manager(Construction), N.F. Railways, Open Line, Maligaon, vide Memo. No. HD.15/Railway/2013/, whereby, with regard to the construction of a manned railway level crossing for Badarpur Bhairabi Railway Line at Azi Panchayat Road, Bawarghat Part-II, Hailakandi; the railway authorities were requested to depute railway official for joint verification with the official from the District Administration, to consider the demand for construction of a manned railway level crossing for Badarpur Bhairabi Railway Line at Azi Panchayat Road, Bawarghat Part-II, Hailakandi, instead of fixing iron pillars.

Though more than a year have elapsed, since the notice to the respondents was issued, but, neither, counter affidavits have been filed by any of the respondents authorities, nor, any instruction has been received by the learned standing counsel representing the respondents No. 1 to 4(N.F. Railways).

Under the aforesaid circumstances; I propose to the dispose of this writ petition with a direction to the respondent authorities, i.e. respondents No. 1 to 4; to act upon the letter, dated 22.06.2015, written by the Deputy Commissioner, Hailakandi, to the General Manager(Construction), N.F. Railways, Open Line, Maligaon, Guwahati, vide Memo. No. HD.15/Railway/ 2013/, if not, already acted upon, by deputing railway official(s) for joint verification with the official(s) from the District Administration, in order to consider the demand for construction of a manned railway level crossing for Badarpur Bhairabi Railway Line at Azi Panchayat Road, Bawarghat Part-II, Hailakandi, instead of fixing iron pillars.

The above direction shall be complied with by the respondents No. 1 to 4 in accordance with the rules/guidelines, etc., for construction of a manned railway level crossing for Badarpur Bhairabi Railway Line at Azi Panchayat Road, Bawarghat Part-II, Hailakandi, as expeditiously as possible, and not in any case, later than 1(one) month from the date of receipt of a certified copy of this order.

The writ petition stands disposed of in terms above.

JUDGE

Comparing Assistant