

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2828 of 2017

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Ali Athar, Son of Late Ali Akhtar, Resident of vill. - Semara, P.O. Thawe, P.S.
+ District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gopalganj
2. The General Manager, North Eastern Railway, Gorakhpur (U.P.)
3. The Divisional Railway Manager, North Eastern Railway, Varansi (U.P.)
4. The Section Engineer (Rail Path) Thawe Jn. District - Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shafiur Rahman, Advocate
For the Respondent No.1:		Mr. P.K. Sinha, AC to GA-5
For Respondent Nos.2 to 4		Mr. Anil Kr. Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-09-2017

This Public Interest Litigation has been filed for commanding the respondent Railway Administration by issuing mandamus to provide a railway crossing at gate No.18-C/2-T which comes under the jurisdiction of North Eastern Railway, Gorakhpur (Varanasi Division), inter alia contending that if a railway gate is provided at the place in question, it would be beneficial to numerous villagers of the area as in the absence of there being a level crossing, the villagers are facing difficulty in crossing the railway line and going to the other side of the track and the market. It is stated that the persons from the villages



concerned i.e. Semra, Indarwan, Ebadullah and Pakopali have to travel a distance of 1.5 k.m's. more due to non-availability of a level crossing in the area in question.

The question as to whether and where a level crossing crossing has to be provided is purely an administrative decision based on evaluation of technical aspects and policies of the Railway Administration and in a writ petition all these things cannot be gone into and a mandamus issued.

In view of the above, merely because some of the villagers are facing inconvenience, we are not inclined to enter into this area of adjudication. Granting liberty to the petitioners to approach the administrative authorities concerned and directing the administrative authorities to take a decision in the matter in accordance with law, we dispose of this application.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.9.2017
Transmission Date	

