

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15338 of 2016

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1. Mahesh Kumar Agrawal, S/o Late Ram Krishna Agrawal, resident of Bank Road, Raxaul- 845305, District- East Champaran.
 2. Ranjeet Singh, S/o Sri Murari Singh, resident of Tumaria Tola, Ward No. 2, Raxaul- 845305, District- East Champaran.
 3. Ramesh Prasad Agrawal, S/o Late J.P. Agrawal, resident of Pareuwa Tola, Ward No. 1, Raxaul- 845305, District- East Champaran.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Environment and Forest, Govt. of India, New Delhi.
2. The Secretary, Ministry of Environment and Forest, Govt. of India, New Delhi.
3. The Secretary, Ministry of Health, Govt. of India, New Delhi.
4. The Secretary, Ministry of Railway, Govt. of India, New Delhi.
5. The General Manager, East Central Railways, Hajipur, Vaishali.
6. The Divisional Railway Manager, Samastipur Division, East Central Railways.
7. The Central Pollution Control Board through its Chairman, New Delhi.
8. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
9. The Principal Secretary, Department of Environment & Forest, Govt. of Bihar, Patna.
10. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
11. The Bihar State Pollution Control Board through its Chairman, Patna.
12. The National Human Rights Commission, New Delhi.
13. The District Magistrate, Raxaul.
14. The Superintendent of Police, Raxaul.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kerjiwal, Advocate Mr. Rajiv Ranjan Tiwari, Advocate
For the State	:	Mr. Sarvesh Kr.Singh-AAG 13
For the Railways	:	Mr. P. K. Verma, Senior Advocate Mr. Anil Singh, Advocate
For the Union of India	:	Mrs. Kanak Verma, 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: 25-08-2017

This petition, in public interest, has been filed seeking a direction to respondent No.3 and the Railway Administration to take action for shifting of the unloading and loading point with regard to



loading of clinker, coal dust, gypsum, fly ash etc. from the present goods siding at Raxaul to any other place as from the present place, the pollution created is adversely affecting the inhabitants of the town of Raxaul. Placing reliance on certain reports submitted by the Pollution Control Board, the prayer made is to prevent the pollution and adverse effect of the same to the citizens of Raxaul, it is required that the siding should be shifted.

The matter is pending consideration before this Court. Various orders were passed and now from the counter affidavit filed by respondent No.4 to 6 and the supplementary affidavit and the counter affidavits filed by respondent Nos. 6 and 11, we find that taking note of the level of pollution indicated in the area, the observations made by the Pollution Control Board, action has been taken for shifting of the siding, contract has been awarded and the work of shifting of siding has already commenced. For the present, the work has been temporarily stopped due to flood in the area and the learned Senior Counsel representing the Railway Administration assures us that once the situation arising out of the natural calamity subsides and the situation is normalized, the work of the contract will be commenced and within a reasonable period of time, the work will be cleared and siding shifted to the new place.

We are satisfied with the action taken by the respondents



and we direct that to ensure that the work is completed at an early date and shifting of the siding is undertaken within a fixed period of time.

We dispose of the matter with a direction to respondent No.6 to submit a report to the Registrar General of this Court after a period of six months with regard to progress of the work and the Registrar General shall place the matter before an appropriate Bench for consideration.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2017
Transmission Date	

