

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1833 of 2015

In
Civil Writ Jurisdiction Case No. 14479 of 2007

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The Union of India, through the General Manager, East Central Railway
Hazipur.

.... Appellant/s

Versus

1. The State of Bihar through Secretary, Forests Department, Government of Bihar, Patna.
2. The Chief Conservator of Forests-cum-Chief Wildlife Warden, Bihar, 4th Floor, Technology Bhawan, Vishwaraiya Complex, Bailey Road, Patna.
3. Conservator of Forest-cum-Field Director, Valmiki Tiger Project, West Champaran, Bettiah.
4. Divisional Forest Officer-cum-Deputy Director, Valmiki Tiger Project, West Champaran, Bettiah.
5. Secretary (Home), Government of Bihar, Old Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. D. K. Sinha, Sr. Advocate
Mr. Anil Kumar Sinha, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5
Md. Kamil Akhtar, AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 04-09-2017

Having heard learned counsel for the parties, we find that Union of India filed writ petition in question challenging the order dated 02.04.2007 passed by the National Park, Wildlife Sanctuary & Tiger Reserve, Valmiki Tiger Project, West Champaran, Bettiah in the matter of restricting the speed for running both goods and passenger train to the area length of which is 6 KM.



While hearing the matter, this Court on 01.10.2015 considered the various aspects of the matter and after taking note of the submissions, the following interim directions were issued:

“Balancing the interest as an interim measure, we stay the order passed today by the learned Single Judge and direct that in view of the facts noted above, as between sunset and sunrise, Railways would maintain and ensure that no train, whether goods train or passenger train passes through the aforesaid six (6) kms. distance at a speed exceeding 35 kms. per hour. It must take other necessary precautions as well. So far as day time is concerned, learned counsel for the appellants states that during time the speed would not exceed 60 kms. per hour speed. To that extent, the order passed by the learned Single Judge stands substituted with immediate effect. This order has been passed in presence of Mrs. Pushpa Rani, D.G.M. (Law), East Central Railway and Mr. Upendra Singh, Chief Passenger Transportation Manager, East Central Railway. Issue notice to the respondents. The notice along with a copy of this order would be served through the office of the learned Advocate General. The receipt



should filed by Tuesday (06.10.2015). The counter affidavit, if any, must be filed within two weeks.”

We are informed that since the said period i.e. 01.10.2015, the aforesaid speed is being maintained and now the parties have decided to sit together and resolve the disputes amicably by inter departmental discussion.

Keeping in view the aforesaid, we direct that the interim directions issued by this Court on 01.10.2015, shall remain enforce, the parties may negotiate and amicably settle the dispute. The order passed on 01.10.2015 shall continue till a final decision is not taken. After discussion, if any dispute still exists, the parties would be at liberty to take such recourse as may be available under the law.

With the aforesaid observations and directions, this appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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