

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.27989 of 2017 (O&M)

Date of Decision: 17.01.2018

Mukesh and others

. . . . Petitioners

Vs.

Union of India and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Ishan Cooner, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

Petitioner No.1 is the widow of Ram Karan and petitioners No.2 & 3 are his children, who have prayed for the issuance of a writ in the nature of mandamus for awarding compensation on account of death of Ram Karan due to railway accident. It is averred that on 29.10.2016, Ram Karan had gone to his fields in the morning and died while crossing the railway line because of the railway accident. DDR No.89 dated 29.10.2016 was lodged at Police Station, GRP, Sonipat. Inquest proceedings were conducted and the dead body of the deceased Ram Karan was recovered on the same day. The dead body was sent for the postmortem in which the opinion regarding cause of death by the railway accident was not ruled out.

Learned counsel for the petitioners has submitted that the negligence is on the part of the railways because of unmanned railway crossing.

Since there was no evidence in this regard that the accident took place at the unmanned railway crossing, therefore, the petitioners were asked

to place on record some evidence. Accordingly, the petitioners have filed the application bearing CM No.493 of 2018 by which they have sought permission to produce on record certificate issued by the Sarpanch, Gram Panchayat, Rajlu Garhi, Block Ganaur as Annexure P-6 and photographs as Annexure P-8 where the alleged accident had occurred. Application is allowed and documents are taken on record.

I have heard learned counsel for the petitioners and after perusal of the record, am of the considered view that there is no merit in the present petition because it is not a case where the railway is at fault because of the unmanned railway crossing. The photographs attached by the petitioners as Annexure P-8 with CM No.493 of 2018, tells another story because it is a pagdandi (shortcut passage made for convenience) to cross over the railway line for which the railways cannot be held responsible for any kind of mishap, therefore, there is no ground in this petition for the purpose of holding the railways as responsible for making payment of compensation to the petitioners.

Dismissed.

17.01.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No