

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4711 of 2019

1. Pratijnya, Social Organisation and Anr Head Office-93, Laxman Sahay Lane, Gurudwara Road, P.o.-Gaya, Distt.-Gaya through its Chairman Brij Nandan Pathak, M-45, S/o Vidya Nandan Pathak, Resident of 93, Laxman Sahay Lane, Gurudwara Road, P.o.-Gaya, R.S., Distt.-Gaya
2. Brij Nandan Pathak S/o Vidyanand Pathak Laxman Sahay Lane, Gurudwara Road, P.o.-Gaya, R.S., Distt.-Gaya

... .. Petitioner/s

Versus

1. The Union of India and Ors through the Secretary, Ministry of Railways, Govt. of India, New Delhi
2. The Secretary Ministry of Railways, Govt. of India, New Delhi
3. The Chairman Railway Board, Ministry of Railways, New Delhi
4. The General Manager East Central Railways, Ministry of Railways, Hajipur
5. The Divisional Rail Manager Mughalsarai
6. The State of Bihar through the District Magistrate, Gaya
7. The District Magistrate Gaya
8. The Gaya Municipal Corporation through its Municipal Commissioner, Gaya
9. The Municipal Commissioner Gaya Municipal Corporation, Gaya
10. The Sub-divisional Officer Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Railway	:	Mr. Satyavrat Verma, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (Aag7)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 27-08-2019

No one appears in the present case to press this application.

This application has been filed by way of Public



Interest Litigation wherein the issue has been raised that the railway has closed LC no. 1 at Gaya which was being used by the resident of Gaya Town since per-independence due to which the people of the locality are facing problems on daily basis. They have to cover around five kilometers to pass through the railway crossing no. 2 which causes huge wastage of time, money and fuel. It further states that the said crossing has been closed by the railway without looking to the agony to be faced by the locality.

In the counter affidavit, the railway right from paragraph 10 to 15 has explained that on account of frequency of the trains there was danger to loss of human life due to which the Senior Divisional Engineer (Co-ord), East Central Railway, Mughalsarai vide letter dated 23.12.2009 requested the District Magistrate, Gaya to issue no objection for permanently closing the LC no. 1. On the request of Senior Divisional Engineer (Co-ord), East Central Railway, Mughalsarai, the District Magistrate, Gaya directed the SDO, Sadar Gaya to examine the issue raised by the railway. The SDO submitted his report vide letter no. 195/C dated 22.02.2010 to the District Magistrate. Accordingly, the District Magistrate granted no objection to the railways to close the said LC no. 1. After



considering the entire aspects of the matter, the railway permanently closed the LC no. 1 but alternative arrangement has been made by creating a road over bridge as well as foot over bridge near to the LC no. 1.

In such circumstances, this Court finds no substance in the present Public Interest Litigation. Accordingly, the same is dismissed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.09.2019
Transmission Date	

