

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19894 of 2018

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Manjoor Alam, Son of Abdul Sakur, Resident of Mohalla Pir Gamaria, P.S.-
Malsalami Patna City, District- Patna

... .. Petitioner

Versus

1. The Union of India through Chairman Railway Board New Delhi.
2. The State of Bihar.
3. District Magistrate, Patna.
4. Circle Officer, Patna Sadar, Patna.
5. Commandant Railway Protection Force, Danapur.
6. D.R.M. East Central Railway, Danapur, Division, Patna.
7. G.M. East Central Railway, Hajipur.
8. Station Manager, Patna City Rail Station, Patna

... .. Respondents

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Md. Khurshid Alam, AAG12
For the Railways	:	Mr. Bijoy Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 07-01-2019

We waive of the office defect to take up the matter which raises issue of public interest and even if there is no representation on behalf of the petitioner, we proceed to consider the issue with a view to final disposal.

The petitioner seeks a direction to the respondent authorities in the Ministry of Railways as well as the appropriate authority in the State Govt. to examine the issue of encroachment on railway land by the encroachers in so far as the area running between Patna Ghat Railway Station to Malsalami Railway Crossing in the town and district of Patna is concerned. The writ



petitioner complains that the encroachers have also damaged the Railway Protection Wall.

The writ petition was filed after service on learned Counsel for the State as well as the Union of India and it is rather unfortunate that a period of three months has yet not been found sufficient for either of them to return to this Court with instructions.

In our opinion, it is for the railway authorities i.e. respondents no. 6 to 8 to examine the anguish and concern expressed by the petitioner which actually should have been initiated by the railways themselves and in case the complaint made by the petitioner is found to be correct, then to take steps for removal of the encroachment on railway land in accordance with law in tandem with the competent authority in the State Government which in our opinion would be the Collector under the Bihar Public Land Encroachment Act. Not having done so, it is yet not too late and in the nature of the grievance so raised by the petitioner, we deem it proper to dispose of the writ petition with a direction to the General Manager, East Central Railway, Hazipur, the Divisional Railway Manager, East Central Railway, Danapur Division as well as the Station Manager, Patna City Railway Station, the respondents no. 7, 6 and 8 respectively, to examine the



complaint made by the petitioner and if found true, to approach with a proper application before the Circle Officer by invoking the provisions of the Bihar Public Land Encroachment Act for getting the encroachment removed in accordance with law. Let such exercise be initiated by the respondent nos. 6 to 8 within four weeks from today, upon verification of the complaint made by the petitioner.

It goes without saying that should the competent authority in the Ministry of Railways approach the competent authority in the State Government for removal of the encroachment in question, the authority concerned would proceed to dispose of the matter after opportunity of hearing to the contesting party/affected persons in accordance with law by a speaking order.

With the observations above, the writ petition is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2019
Transmission Date	NA

