

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19308 of 2018

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Rohit Kumar son of Sri Laxmi Nath Jha Resident at C/o Maheshwar Chandra Niwas, B.B. Srivastava New By Pass, P.O. Anishabad, P.S. - Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

1. The Union Of India through the Chairman of Railway Board, Ministry of Railway, Government of India, New Delhi.
2. The Chairman of Railway Board, Rail Bhawan - 1 Raisina Road, New Delhi.
3. The Member of Productions Unit Railway Board, Rail Bhawan - 1 - Raisina Road, New Delhi.
4. The Members of Advisory Group of Experts AGE Rail Bhawan - 1 - Raisina Road, New Delhi.
5. The General Manager, East Central Railway, Rail Niketan, Hajipur, Bihar.
6. The Dy. General Manager Law East Central Railway, Rail Niketan, Hajipur, Bihar.
7. The Chief Administrative Officer East Central Railway.
8. The Dedicated Freight Corridor Corporation of India Limited DFCCIL.
9. The Comptroller and Auditor General of India Supreme Audit Institution of India, Pocket - 9, Deen Dayal Upadhyay Marg, New Delhi.
10. Mr. Vishal Wanchoo, President and Chief Executive Officer, General Electric, South Asia, Corporate Office, Building 7A, Phase-III, Sector 25, Gurugram, Haryana.
11. Mrs. Sharmula Barathan, Government Affairs and Police Leader General Electric, South Asia Corporate Office, Building 7A, Phase-III, Sector 25, Gurugram, Haryana.
12. Mr. Rajnish Krishna Ratan, Director GE Global Sourcing India Private Limited, Its registered address is 401, 402, 4th Floor, Aggrawal Millennium Tower, E-1, 2, 3 Netajih Place Wazirpur, New Delhi.
13. Mr. Natin Jain President and Chief Executive GE Transportation and Aviation South Asia its registered address is 401, 402, 4th Floor, Aggrawal Millennium Tower, E-1, 2, 3 Netajih Place Wazirpur, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13
For the Respondent/s : Mr.Anil Kumar Sinha

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 This petition filed on 26.09.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:

“(i) A writ of mandamus commanding the respondents concerned to Indian Railways may revisit and reconsidered to setting up diesel Locomotive Factory (DLF) at Marhowra in the district of Saran under the State of Bihar in the light of report of the Comptroller and Auditor General of India for the year ended March 2017 Union Government (Railways) report No. 5 of 2018.

(ii) A writ of mandamus commanding the respondents concerned to cancelled the approval for setting up Diesel Locomotive Factory (DLF) in Marhowra in the District of Saran under the State of Bihar of INR 2052.58 crore (US 300 million dollar) which is embezzlement of public money.

(iii) A writ of mandamus commanding the respondents concerned to existing or winding up Marhowra Diesel Locomotive Factory (DLF) in Marhowra in the District of Saran under the State of Bihar. According to reports, winding up of the Diesel Locomotive project was to give way for electrification which is seen as the road map for future.

(iv) A writ of certiorari setting aside of notification



of the setting up Diesel Locomotive Factory in Marhowra in the District of Saran under State of Bihar.

(v). Any other writ/s for granting any other relief/s for which the petitioner is found entitled to in the facts and circumstances of the present case.”

Mr. S.D.Sanjay, learned Additional Solicitor General, states that the present petition has become infructuous inasmuch as the unit of manufacturing the Diesel Locomotive Engines already stands established and is in production.

In view of the aforesaid, the present petition stands disposed of reserving liberty to the petitioner to represent before the appropriate authority in accordance with law, if need so arises with respect to the surviving grievances.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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