

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12985 of 2019**

=====

Rameshwar Jha S/o Ram Pahalad Jha, Resident of Village- Ward No.-8,  
Pouram, P.S.- Hayaghat, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager East Central Railway, Hajipur.
2. The Divisional Railway Manager, East Central Railway Samastipur.
3. The Senior Division Commercial Manager, East Central Railway, Samastipur.
4. The Station Manager, Hayaghat the East Central Railway, Division, Samastipur, District- Darbhanga.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr.Vinay Kumar Mishra       |
| For the Respondent/s | : | Mr.Standing Counsel Railway |
| For Railways         | : | Dr. Anand Kumar             |
|                      | : | Bipin Kumar @ Deo           |

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

4      28-01-2020      Petitioner has prayed for the following reliefs :-

“I. For issuance of direction to the respondents to removal of unauthorized Vegetable shop on the plate form Hayaghat.

II. For issuance of direction to the respondents to conduct enquiry and if the same have been removed near the Railway line.

III. For issuance of direction to the respondent to make provided P.R.S. and Toilet to the passenger of railway.

IV. For issuance of other reliefs, which may deem fit



and proper for consideration of the case.”

From the counter affidavit dated 23.09.2019 filed by respondents no. 1 to 4, it is apparent that the petitioner’s grievance stands redressed about which there is no dispute.

The averments made in paragraphs no. 7 and 8 of the affidavit, to the said effect, are being reproduced herein under:-

“7. That it is humbly submitted that there are four toilets and two bathrooms are situated at the platform of Hayaghat Railway Station. Two toilets and a bathroom are provided for ladies passengers and others two toilets and bathroom are provided for general passengers. Due to the doubling of railway line platform, which is under construction, the aforesaid toilets and bathrooms have been closed temporarily. However, toilet situated in station building is opened for passengers.

8. That, it is humbly stated that Hayaghat Railway Station is only 11.26 km from Laheriasarai Railway Station, where reservation counter is available at North end and Samastipur Railway Station far from Hayaghat Railway Station 21.73 km at the South end where the reservation counter is available. The reservation counter are reachable by train and by road. Hence, there is no need of reservation counter Hayaghat Railway Station because it is a road side station with low population. Under the “Make in India” Scheme, reserved and un-reserved railway tickets are available through on-line. Mostly,



passengers are taking at his home. Hence, the claim of the applicant is not sustainable.

PARAWISE REPLY

Para (1) – That the Statement made in para (1) of the writ petition is not correct. It is stated that the railway has given the shop to the shopkeeper against the licence fee. The licence fee is being collected for increasing the railway revenue. The income of the railway is 13,43,300/- yearly for three years. It is also pointed out that the petitioner has sought relief for construction of PRS and Toilet instead of Vegetable shop is not accepted. The toilet is existing at the railway platform at Hayaghat Railway platform. Hence, the statement is hereby denied.

Para (2)- That the statement made in para (2) of the writ petition is not correct. It is stated that the allegation of the petitioner is to save the railway properties and life of passengers is not correct. Railway administration is always vigil for saving the life and properties of passengers at railway campus. The petitioner is misleading this Hon'ble Court.

Para (3) to (6)- That the statement made in para (3) to (6) does not pertain to railway administration.

Par (7)- That the statement made in para (7) of the writ petition is totally false and baseless. It is further stated that there is not a single vegetable shop which is running unauthorizedly. It is further stated that no vegetable shop is existing on the railway platform and within the area of the railway station campus. Hence, the statement is hereby denied.



Para (8 & 9)- The statement made in para (8 & 9) of the writ petition are a matter of record. Hence there is no need to reply in detail.

Para (10)- That the statement made in para (10) of the writ petition is not correct and the petitioner is again misleading the Hon'ble High Court. It is further clarified that no unauthorized vendor has in crossed the Hayaghat Railway Platform and railway line. Hence the statement is hereby denied. ”

As such, the instant petition stands disposed off as having become infructuous.

**(Sanjay Karol, CJ)**

**( Mohit Kumar Shah, J)**

S.Sb/Rinkee-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

