

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8863 of 2016

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Shashi Shekhar son of Late Bindeshwari Prasad Sinha, Resident of Village
P.O.- Mazhaullia Estate, P.S.- Bathnaha, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The Union Of India through the General Manager, East Central Railway, Hajipur, Vaishali
2. The Divisional Railway Manager, East Central Railway, Samastipur.
3. The Station Superintendent, Sitamarhi, Railway Station, Sitamarhi.
4. The Bihar State Pollution Control Board, through the Chairman, Patna.
5. The Chairman, the Bihar State Pollution Control Board, Patna.
6. The State of Bihar through the Chief Secretary, Bihar.
7. The Commissioner, Tirhut Division, Muzaffarpur.
8. The Collector-cum-District Magistrate, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Shekhar, Advocate Mr. Sanjeev Shekhar, Advocate Ms. Abhanjali, Advocate
For the Respondent/s	:	Mr. Ram Binay Singh, AC to GA 12
For P.C.B.		Mr. Shivendra Kishore, Sr. Advocate
For the Railway		Mr. D.K. Sinha, Sr. Advocate Mr. Kumar Priya Ranjan, Advocate Mr. Parijat Saurav, Advocate Mr. Pallav, Advocate Ms. Ritika Rani, <i>Amicus Curiae</i>

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

20 23-02-2021

Petitioner has prayed for the following relief(s):

“i. For shifting of the “**Rack Point**” from Sitamarhi Railway station to another point in order to save the suffering of the people of the locality on account of heavy dust and noise



pollution, which has endangered the life of the people.

ii. For ensuring right of life with dignity of the people living within an area of 2 Kms. from the Rack Point of Sitamarhi Station area and also of those people living around the Rack Point area.

iii. For saving the people of the locality who have been residing there since 1946, and are suffering great economic loss as their residential houses are continuously developing cracks on account of movement of heavily loaded trucks and tractors that run 24 hours in a day for loading and unloading of raw materials/building materials from the Rack Point.

iv. To save the persons residing in the locality from air Pollution which spreads to a height of 35-40 ft. above the ground level during the movement of trucks in course of their loading and unloading of stone chips and building raw materials from the Rack-Point which is adjacent to the Sitamarhi Railway Station, the same being very harmful to the environment at large and leading to ecological and environmental imbalance.

v. For directing the concerned respondents to shift the Rack Point to a nearby Halt namely Bhisha, situated 4 K.M. from Sitamarhi Railway Station, which is away from populated area or to any other suitable place.

vi. To save the people of the locality whose life and property have been endangered on account of degradation of socio economic conditions of



the people of the locality as well as ecological and environmental imbalance in the locality on account of damage caused by the present Rack Point and Dump-Yards of Sitamarhi Railway Station.

vii. For grant of any other incidental consequential and other appropriate relief and reliefs to which persons of that locality may be found entitled.”

We find that with the passage of time, the present petition has become infructuous, more so in view of the policy decision taken by the Ministry of Railways, as is evident from supplementary counter affidavit dated 08.01.2021, wherein it stands stated that, in principle, decision has been taken for de-notifying the Sitamarhi goods shed for dealing with inward rake of loose consignment.

Insofar as uncompleted work is concerned, it stands explained that only on account of Covid-19, the administration could not take a decision with regard to its execution and now with the situation improving, steps would be taken for its completion.

We only hope and expect that the needful shall positively be done at the earliest and preferably within a period of six months.



Petition is disposed of.

Liberty reserved to the parties to take recourse to such remedies as are otherwise available in law, if so required and desired.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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