

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20949 of 2021

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Mukund Prakash Mishra, Male, aged about 30 years, S/o Jay Prakash Mishra, Resident of Mohalla -Mishra Tola, Ward No.14, Nagar Panchayat, P.S.-Sheohar, District- Sheohar.

... .. Petitioner

Versus

1. Union of India through the Cabinet Secretary, Govt. of India, New Delhi.
2. The Chairman/Chief Executive Officer, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi.
3. The Executive Director, Works, Railway Board, New Delhi.
4. The Director, Works-II, Railway Board, New Delhi.
5. The Deputy Director, Works-II, Railway Board, New Delhi.
6. The General Manager, East Central Railway, Hajipur, Bihar.
7. The Chief Administrative Officer, Construction East Central Railway, Mahendru Ghat, Patna.
8. The Deputy Chief Engineer, Construction, East Central Railway, Muzaffarpur.
9. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Suman Kumar Verma, Advocate
For the Union of India	:	Mr. Dr. Krishna Nandan Singh, ASG with Mr. Manoj Kumar Singh, CGC Mr. Alok Kumar Sha, CGC Mr. Devansh Shankar Singh, AC to ASG Mr. Prabhat Kumar Singh, AC to ASG



**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date : 16-03-2023

The present writ application has been filed in the nature of Public Interest Litigation seeking direction to the respondents to construct a Railway line between Sheohar to Sitamarhi. The petitioner is a resident of Sheohar.

2. It is the petitioner's case that the Ministry of Railways had directed survey for construction of a new line between Sheohar to Sitamarhi in 1997 itself, and the matter is pending since then.

3. This Court in its earlier order dated 10.01.2022, had observed that if the project was to be implemented by laying 76 Kilometers of Railway track, it would change the economic profile of the entire northern district of the State of Bihar. Accordingly, the respondents were directed to take an appropriate decision at the earliest. The Chief Secretary, Government of Bihar, was requested to personally take up the matter with the authorities at the highest level in the Government of India.

4. Counter affidavits and supplementary counter affidavit have been filed on behalf of the respondents. A stand has been taken in the supplementary counter affidavit filed on behalf of the



Respondent No. 6, in compliance of an order dated 11.11.2022, that in response to a letter issued by the Railway Board dated 03.10.2018, addressed to the State Government of Bihar, for sharing of cost for construction of railway line, the Bihar State Administration had responded in negative, in 2022.

5. It has further been stated that all efforts have been made by the Railway Administration to get sanction at least part of it, i.e., from Sheohar to Sitamarhi. At the same time, it is stated that the Railway Board has issued guidelines to the General Managers of all Zonal Railways for rail connectivity to all towns having more than 50,000 population. The population of Sheohar town is substantially below 50,000, the affidavit discloses.

6. We do not intend to go into the nitty-gritties of the various issues raised in the affidavits filed on behalf of the respondents. We are of the considered view that it is purely a matter of policy of the executive to decide the requirement and viability of railway line between Sheohar to Sitamarhi or not.

7. In our considered opinion, this Court does not have judicially determinable parameters to issue positive direction in such matters, requiring the respondents to construct railway line between the two places, as noted above. We, however, observe that it will be open for the respondent-Railway and the State of Bihar



to consider the requirement and viability of a railway line between Sheohar to Sitamarhi, in public interest.

8. This application stands disposed of, accordingly.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

rajkishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22-03-2023
Transmission Date	N/A

