

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2379 of 2024

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1. Rakesh Kumar Son of Late Satyendra Prasad Resident of Masurahi Bazar, Main Road, Police Station- Town Masurahi, District- Patna, State- Bihar.
 2. Shishu Kumar Son of Rajeshwar Prasad Resident of Masurahi Bazar, Main Road, Police Station- Town Masurahi, District- Patna, State- Bihar.
 3. Sanaullah Son of Yeseen Resident of Masurahi Bazar, Main Road, Police Station- Town Masurahi, District- Patna, State- Bihar.
 4. Sahbir Prasad @ Sahbir Prasad Yadav Son of Ram Pati Resident of Masurahi Bazar, Main Road, Police Station- Town Masurahi, District- Patna, State- Bihar.
 5. Sunny Kumar Son of Arjun Goswami Resident of Masurahi Bazar, Main Road, Police Station- Town Masurahi, District- Patna, State- Bihar.

... .. Petitioner/s

Versus

1. The Union of India through Chairman, Ministry of Railway, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway Hijipur, District- Vaishali.
3. The Divisional Railway Manager, East Central Railway, Danapur.
4. The Divisional Chief Engineer, East Central Railway, Danapur.
5. The Senior Divisional Engineer (I) East Central Railway, Danapur.
6. The State of Bihar through Additional Chief Secretary, Road and Construction Department, Government of Bihar, Patna.
7. The Additional Chief Secretary, Road and Construction Department, Government of Bihar, Patna.
8. The Chief Engineer, Road Construction Department, Government of Bihar, Patna.
9. The Superintendent Engineer, Patna Circle, Road Construction Department, Government of Bihar, Patna.
10. The Executive Engineer, Patna Division, Road Construction, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Mithlesh Kumar Gupta, Advocate
For the U.O.I.	:	Mr. A.K. Pandey, Sr. C.G.C. Mr. R.K. Sharma, C.G.C.
For the State	:	Mr. Vikas Kumar, A.C. to A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-02-2024 The petitioner relies on an RTI application to submit that the work carried on now is against the report of the Deputy Chief Engineer of Construction, East Central Railway, Danapur and is not in accordance with such recommendation.

2. We deem it fit to extract the recommendation made on 27.12.2021:-

*“To,
APIO CUM
Sr. Divisional Engineer (1)
E.C. Railway, Danapur.*

*Sub:- Reply of information under
RTI Act-2005, In favour of Sri Mithlesh
Kumar Gupta, Demanding information
through application under RTI Act 6(5).*

*Ref:- Your Letter No.- W/RTI-
05/M.K.G/739/2021, DNR dt 29.10.2021
and 25.10.2021*

*The location of construction of
ROB in lieu of level crossing no 21/A in
Taregna yard (Class-B) at KM 29/31-33, was
fixed as per TVU and work was sanctioned
vide pink book item no. 368 of year 2016-
2017. The work of railway portion was being
executed as per approved GAD which was
also approved by State Government*



authority. Recently joint site inspection/meeting had been done both by State Government authority and Railway authority. Accordingly, State Government authority has planned to modify approach alignment of minimize land acquisition. Work has been stopped till finalization of modification of alignment. Therefore, existing MAP has no meaning. However if you want you can see the map at office of DY/CE/CON/DNR during any working days.

*Dy. Chief Engineer/Con
E.C. Railway, Dananpur”*

3. It is seen from the above extract that work was stopped only since it was felt that approach alignment requires modification to minimize land acquisition. The modification was only as a cost-cutting measure and was not due to any technical flaw in the alignment. It is also stated that the map is available at the office which can be seen on any working day.

4. The above letter itself was given on 27.12.2021. We do not know whether any modification has been carried out. In fact when the petitioner relied on a response in a RTI application, it was incumbent on the petitioner to approach the railway authorities first to understand whether there is any modification carried out before commencement of work. The



authorities could also have decided that a cost-cutting measure is not practically feasible; which is a mere policy decision.

5. We find the writ petition to be a clear abuse of process of law. It is filed irresponsibly at a mere whim, relying on a document of the year 2021; which document as we noticed is not on any technical flaw in alignment. The writ petition is dismissed with a cost of Rs. 10,000/- to the Bihar Legal Services Authority to be deposited by the petitioner within a period of two weeks. If the deposit is made, it shall be recovered by the Bihar State Legal Services Authority through the District Magistrate by taking appropriate measures similar to the recovery of revenue due on land, in which circumstance the expenditure for the process of recovery would be a further liability on the petitioner; to be recovered simultaneously.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Neha/Kiran-

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