

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21045 of 2019

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Rishi Kund Vikash Manch Barriyarpur Munger a N.G.O. through its convener Manoj Kumar Singh, aged about 49 years, Gender Male, Son of Late Mahendra Prasad Singh, Resident of Village Ratanpur, P.S.- Barriyarpur, District- Munger.

... .. Petitioner/s

Versus

1. The Union of India
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The General Manager, Eastern Railway, Kolkata.
4. The Additional Chief Secretary, Department of Transport, Govt. of Bihar, Patna.
5. The Additional Chief Secretary, Urban Development Department, Govt. of Bihar, Patna.
6. The Additional Chief Secretary, Land and Reforms, Government of Bihar, Patna.
7. The Divisional Railway Manager, Eastern Railway, Maldah Division, Maldah.
8. The District Magistrate, Munger.
9. The Deputy Development Commissioner, Munger.
10. The Sub-Divisional Officer, Sadar, Munger.
11. The Sub-Divisional Police Officer, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Akhilesh Dutta Verma, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Rastogi (AAG-10)
		Mr. Naman Nayak, AC to AAG-10
For the Railway	:	Mr. Sujit Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-02-2024

The writ petition, in the nature of public interest
litigation, seeks for construction of a railway gate at Rishi Kund



Halt, the absence of which creates difficulties to the villagers of the Ratnapur and nearby village areas. It is also alleged that many accidents occur resulting in casualty of the villagers.

2. The learned counsel for the petitioner, at the outset, took us to the interim order passed by this Court on 18.10.2019 wherein, it was noticed that the Railways had taken an administrative decision to construct either an under-pass or an over-bridge but, the same has not fructified only for reason of dearth of funds.

3. It is seen from the counter affidavit filed by the State Government that the Transport Department had requested the Railways to take needful action for construction of a railway gate and the Eastern Railways requested the State to make available an amount of Rs.3.15 crores and land for the construction of a foot-over-bridge at the said halt. Obviously, neither the disbursement of funds or acquisition of land has been occasioned, which has resulted in the impasse with respect to the construction of the foot-over-bridge. In any event, these are all policy matters and the construction of a foot-over-bridge cannot be precipitated by this Court in a public interest litigation

4.. Admittedly, there is no vehicle transport across the railway line at the location, which clearly indicates



that there is no necessity for a regular railway gate. What is suggested by the Railways is only a foot-over-bridge, for which huge money has to be spend and also land to be acquired; whereas the casualty caused, has not been substantiated by any figures, which also is because of the carelessness in crossing the railway track. The citizens too, should have some discipline in such matters and often it is seen as shortcut. The pedestrian crossing on the railway lines; which indiscriminate act carried out negligently, results in such casualties.

5. We find absolutely no reason to keep the writ petition pending and reject the same.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	26.02.2024
Transmission Date	

