

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17010 of 2024

Om Prakash Gupta S/o Late Narayan Sah, resident of Mohalla-Thana Road,
Ward No. 09 (Old), 02 (New), Nagar Panchayat/Parishad, P.S.-Sheohar,
District-Sheohar.

... .. Petitioner/s

Versus

1. Union of India through the Chairman, Railway Board, Ministry of Railway,
Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Hazipur, Bihar.
3. The Chief Administrative Officer, Construction, East Central Railway,
Mahendru Ghat, Patna.
4. The Deputy Chief Engineer, Construction, East Central Railway,
Narkatiyaganj, Bihar.
5. The State of Bihar through the Additional Chief Secretary, General
Administration Department, Govt. of Bihar, Patna.
6. The District Magistrate cum Collector, Sheohar.
7. The Superintendent of Police, Sheohar.
8. The District Land Acquisition Officer, Sheohar.
9. The Circle Officer, Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Verma, Advocate
For the Respondent/s	:	Mr. Anand Kumar Ojha, Sr. Panel Counsel Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2024

The writ application has been filed for three
reliefs. The first for issuance of writ of certiorari quashing a



response under the Right to Information Act, 2005, in response to a query regarding Sitamarhi-Sheohar New Railway line construction. The second prayer is to set aside the reply dated 02.09.2024 furnished by the Office of Deputy Chief Engineer, Construction, East Central Railway, Narkatiyaganj in response to the grievance raised by way of a representation by the petitioner and others, regarding the very same railway line. The third prayer is to ensure that the Sitamarhi-Sheohar New Railway line construction is made in conformity with the surveyed land report, as issued by the Circle Officer, Sheohar, minimizing urban, social, residential and commercial dislocation.

2. The petitioner has also annexed Annexure-P/2 judgment in which a similar prayer was made by another person again in a public interest litigation. A Division Bench though noticed that the Railway line between Sheohar and Sitamarhi would change the economic profile of the entire northern part of State of Bihar and also noticed that though the State Government was requested to share the costs for construction of railway line, the response was in the negative. The learned Judges then refused to go into the nitty-gritties of various issues raised especially finding that the issue is purely a matter of



policy within the executive domain; being the requirement and viability of railway line between Sheohar and Sitamarhi.

3. The petitioner ought not to have filed a further public interest litigation on the very same issue; challenging the alignment and seeking to set aside the responses made under the Right to Information Act and in answer to a representation. Alignment of railway line depends on various factors and the survey report of the Circle Officer cannot be the sole basis.

4. We find absolutely no reason to entertain the writ petition and dismiss it, clearly finding that in such policy matters we would not interfere, respectfully following the earlier judgment.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sharun/-.

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2024
Transmission Date	

