

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16452 of 2023

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Nitesh Kumar Singh, Son of Jai Mangal Singh, Resident of village ward no.2,
Jakiyari, P.S.-Raxaul District-East Champaran.

... .. Petitioner/s

Versus

1. Union of India through the Chief Secretary, Ministry of Railways, Government of India at New Delhi.
2. The Ministry of Road, Transport and Highways, Government of India, at New Delhi, through the Secretary, New Delhi.
3. General Manager, East Central Railway, Hajipur, District-Vaishali, at Hajipur, Government of India.
4. Divisional Railway Manager, Samastipur Railway Division, District-Samastipur, falling Under East Central Railway Zone, Hajipur, Government of India.
5. Divisional Railway Manager, Sonpur Railway Division, District-Saran, falling Under East Central Railway Zone, Hajipur, Government of India.
6. Project Director-National Highway 527-D, National Highway Authority of India, Ministry of Road Transport and Highway, Government of India at New Delhi.
7. Department of Rural Works Department through the Principal Secretary, Government of Bihar at Patna.
8. Principal Secretary, Department of Rural Works Department, Government of Bihar at Patna.
9. District Magistrate -Cum-Collector, East Champaran, District-East Champaran.
10. Circle Officer, Raxaul, P.S.-Raxaul, District-East Champaran.
11. Station House Officer, Raxaul, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Alka Singh, Advocate Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Dr. K.N. Singh, A.S.G.
For the NHAI	:	Mr. Kumar Gautam, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 16-02-2024



Heard the parties.

2. The petitioner who is the resident of the Locality being aggrieved by the barricading done by the Railway Authority affecting the right of passage of public at large, has filed the present Public Interest Litigation, seeking a direction upon the Railway Authorities, especially respondent no.4, Divisional Railway Manager, Samastipur Railway Division, respondent no.9, District Magistrate cum Collector, East Champaran and respondent no.6, the Project Director, National Highway 527-D, NHAI to have a proper coordination for passage of common people with regard to the land situated in Mauza Chikani, Thana No. 12, Khata No.60 and others, East Champaran, falling in between Raxaul Railway Station to Sagauli Muzaffarpur Railway Line and further Raxaul Railway Station to Narkatiaganj, Railway Junction.

3. It is submitted on behalf of the petitioner that since the construction with regard to the National Highway has started approximately ten years ago and the government has proposed a construction of the over bridge in the year 2014, the people who have purchased the land subsequently had no idea that any change will take place or there will be a blockage of the complete area, falling in Mauza Chikani, East Champaran. The



petitioner on instruction submitted that the railway has a power house station near Raxaul Station at Sagauli Muzaffarpur Railway Line, which falls in the western side of National Highway-28 (NH-527D) at the corner and the Railway Authorities have planned to block the entire National Highway-28 in the northern side as well as in the southern side, so that the public can only have the access to over bridge.

4. Learned counsel for the petitioner has also referred to Sections 16 and 17 of the Railways Act, 1989 and submitted that it is the responsibility of the Railway Administration to accommodate the person adjoining the railway crossing, bridges, passage over and in that the State Government have to specify the date and to work in cooperation to the same. In sum and substance, the grievance of the petitioner is confined to lack of proper coordination amongst the different departments and the railways.

5. It is to be noted that the concern of the petitioner and other residents of the locality is being looked after by the railway administration, State Government and the local authority maintaining the road and they are bound to take decisions in the interest of public safety.

6. Considering the nature of the grievance and the fact



that the petitioner has already raised his voice before the appropriate authority of the Railway Division, East Central Railway, this Court does not find any merit in the present matter to proceed under writ jurisdiction. Accordingly, the present writ petition stands dismissed with a liberty to the petitioner to agitate his grievance before the appropriate authority/forum.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-02-2024
Transmission Date	

