

Item No.7  
05.08.2024  
Court. No. 9  
GB

W.P.A. 12766 of 2023

Srimati Lalita Ghosh & Ors.

Vs.

The Union of India & Ors.

*Mr. Sanjib Kumar Mukhopadhyay,*

*Ms. P. Roy,*

*Ms. Nargish Parveen*

*...for the Petitioners.*

*Mr. Indrajit Das Gupta,*

*Mr. Amal Kumar Datta*

*...for the U.O.I.*

*Ms. Amrita Panja Moulick*

*...for the State.*

The writ petition cannot be entertained. There are no allegations against the railway authorities. Thus, no mandamus can be issued upon the railways to pay compensation to the petitioners.

The petitioners allege that a vehicle belonging to the respondent nos.12 and 13 was responsible for the death of a family member of the petitioners. One of the trucks allegedly belonging to the respondent nos.12 and 13 had run over the said victim to succumb to the injuries.

It appears that a criminal case is pending. It also appears that an investigation was made by the police authorities which resulted in filing of a charge-sheet against the respondent no.14. Section 357(3) of the Code of Criminal Procedure, 1973 talks about payment of compensation. Section 357A talks about victim compensation scheme.

Thus, as the matter is now going to be before a learned court and trial would commence, the petitioners would be at liberty to approach the appropriate criminal court with their

prayer for compensation in terms of Section 357 of the Code at the appropriate stage. The claim of the petitioners against the company who engaged the driver and the truck responsible for the accident under the other applicable laws, are kept open.

Accordingly, writ petition is disposed of.

Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**