

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1007 of 2024

M/s Sendoz Impex Limited, a company incorporated, having its registered office at Suite 634, Marshall House, 33/1, Netaji Subhas Road, Kolkata, through its authorised Signatory, namely, Ravindra Sharma, aged about 35 years, Male, Son of Mahabir Prasad Sharma, Resident of 6/9A, Pashupati Bhattacharji Road, Kumar Garden 1st Lane, P.S. Behala, District Kolkata (West Bengal).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, Government of India, New Delhi.
2. The Secretary, Ministry of Railways, Government of India, New Delhi.
3. The General Manager, East Central Railway, Hajipur, Vaishali.
4. The Divisional Railway Manager, Samastipur Division, East Central Railways, Samastipur.
5. The Chief Freight Transportation Manager (CFTM), East Central Railway, Hajipur (Vaishali).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mohit Agarwal, Advocate. Mr. Vikash Khanna, Advocate.
For the Respondent/s	:	Mr. Additional Solicitor General.
For the UoI	:	Ms. Kanak Verma, CGC.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

13 21-04-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following relief(s):-

“(i) For direction upon the Respondent Railways to not restrict the loading and unloading of other nature of coal products other than coal dust at Traffic Raxaul Goods Shed, Raxaul in grab of the restriction message dated 30.09.2023 issued by the Respondent CFTM, East



Central Railway, Hajipur whereby restriction on loading of clinker, coal dust, gypsum and fly ash at Traffic Raxaul Goods Shed, Raxaul has been imposed in view of pendency of a case bearing MJC No. 2697 of 2019 before this Hon'ble Court;

(ii) For holding that no restriction on loading of other nature of coal dust at Traffic Raxaul Goods Shed, Raxaul could be imposed without any order to that effect issued by a competent authority in accordance with law."

3. It is the case of the petitioner that it is engaged in the business of import of different goods from outside India and for its further export to the country of Nepal and also transportation of different goods to Nepal. That the petitioner during the course of his business books wagons and rakes from the Respondent-Railway for transportation of the above-mentioned goods from different locations in India and unloading the same at Traffic Raxaul Goods Shed, Raxaul. That the respondent authority has issued a message dated 30.09.2023 restricting the loading/unloading of clinker, coal dust, gypsum and fly ash at Traffic Raxaul Goods Shed, Raxaul and the petitioner has no grievance with the said decision. However, the authorities have started restricting the loading and unloading of other goods other than clinker, coal dust, gypsum and fly ash at Traffic Raxaul Goods Shed, Raxaul.

4. Learned counsel appearing on behalf of the



petitioner has stated that the authorities cannot impose any restrictions for loading and unloading of other types of coal products which are other than the clinker, coal dust, gypsum and fly ash. Learned counsel has stated that besides the four items which are restricted, there cannot be any oral restriction on the other goods. Learned counsel for the petitioner has drawn the attention of this Court to Annexure P/3 which gives a list of coal and other coal products. Learned counsel for the petitioner has therefore, prayed this Hon'ble Court to allow the present writ petition.

5. In the counter affidavit filed by the respondents, it is specifically stated that based on a Public Interest Litigation filed before this Hon'ble High Court where a complaint has been made regarding the pollution due to the loading and unloading of the clinker, coal dust, gypsum and fly ash at Traffic Raxaul Goods Shed, Raxaul, the authorities have taken a decision not to permit the same at Traffic Raxaul Goods Shed, Raxaul and have further taken a decision to shift the goods shed to another place i.e. at Ramgarhwa.

6. When queried by this Court as to whether any order has being passed restricting the loading and unloading of items other than the clinker, coal dust, gypsum and fly ash, the



respondent authorities have given written instructions stating that there is no written restriction in so far as the other goods are concerned except the above four items.

7. Having regard to the same, the present writ petition is allowed and the respondent authorities are directed not to cause any impediment for loading and unloading of goods other than the clinker, coal dust, gypsum and fly ash at Traffic Raxaul Goods Shed, Raxaul. This order does not preclude the authorities from passing any written order restricting the movement of any other goods which may cause pollution in the said area.

8. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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