

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9387 of 2017

M/s. Hemant Kumar Singh Petitioner/s
Versus
The Union Of India and Ors
... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vikas Ratan Bharti
: Mr.Ravi Shankar
For the Respondent/s : Mr.Mukesh Kumar, CGC

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

2 07-05-2025 1. Heard the Learned counsel for the
petitioner.

2. The writ petition is filed for the following
reliefs:-

(i) To quash the letter dated 08.06.2017 issued by the 6th respondent (Goods Superintendent, Hathua Gopalganj) whereby a sum of Rs. 13,23,895/- has been charged to be paid by the petitioner as the charges of overload.

(ii) To declare that the respondent authorities have wrongly imposed punitive charge upon the petitioner without giving any notice.

(iii) To direct the respondents to release the goods which is lying at Hathua Railway Station (Goods Station) belonging to the petitioner.

3. A detailed counter affidavit was filed on behalf of the respondents contending that the writ petition is devoid of merits. A specific plea is taken



in the counter affidavit that the provisions under Section 79 of the Railways Act, 1989, are not attracted in the present case and the petitioner has an alternative remedy of approaching the Railway Claims Tribunal. Further, the counter affidavit also disclose that relief No. 3 has become infructuous, as the goods have already been released to the petitioner.

4. At this juncture, the Learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to avail the remedy before the Railway Claims Tribunal.

5. Permission is accorded.

6. Accordingly, the writ petition is dismissed as withdrawn with liberty to the petitioner to avail the remedy before the Railway Claims Tribunal. The Tribunal shall consider the aspect of limitation, taking into account that the petitioner had challenged the impugned orders before this Court within the stipulated time.

(G. Anupama Chakravarthy, J)

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