

IN THE HIGH COURT OF JHARKHAND AT RANCHI

WP(C) No.3670 of 2022

Asmin Khatoon, Aged about 34 years, wife of Late Kaushar Ansari, Resident of Village Jori, P.O. Lohardaga, P.S. Lohardaga, District Lohardaga (Jharkhand). ... **Petitioner(s)**.

Versus

1. The Union of India, through the General Manager, South Eastern Railway, Garden Reach, Kolkata, P.O. & P.S. Garden Reach, District Kolkata (West Bengal) 700043.
2. The Presiding Officer, Railway Claims Tribunal, Ranchi, P.O. and P.S. Ranchi, District- Ranchi (Jharkhand).
3. The Additional Registrar Railway Claims Tribunal, Ranchi, P.O. and P.S. Ranchi, District- Ranchi (Jharkhand).
4. The Superintendent of Police, Lohardaga, P.O. and P.S. Lohardaga, District Lohardaga (Jharkhand). ... **Respondent(s)**.

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Vijoy Kr. Sinha Sinha, Advocate
Ms. Ankita Toppo, Advocate

For the UOI : Mr. Radha Krishan Gupta, CGC

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08 /15.04.2026: Heard the learned counsel representing the petitioner and the learned counsel representing the respondents.

2. The prayer of the petitioner in this writ petition is as follows:

"For issuance of an appropriate writ(s)/order(s)/direction(s) in the nature of "Mandamus" directing the Respondent No. 1 to make payment Rs. 8,00,000/- (Rupees Eight Lakh) along with @ 9% interest from the date of accident i.e. 06.04.2021 to the petitioner and the dependent of the deceased passenger on account of death of her husband namely Kaushar Ansari in an untoward incident who died while travelling from Lohardaga to Ranchi by Lohardaga Ranchi Passenger Train on 06.04.2021, he fell down from moving train and came under the wheel of train and the body of him fully crushed by the train in the interest of justice.

And/Or

The Case of the petitioner may be transferred to Railway Claims Tribunal, Ranchi for proper appreciation and adjudication in the interest of justice.

And/Or

For issuance of an appropriate writ/order/direction as this Hon'ble Court may think fit and proper in the facts and circumstances of this case.

3. It is the case of the petitioner that the husband of the petitioner died in an untoward incident while travelling from Lohardaga to Ranchi by Lohardaga Ranchi Passenger Train on 06.04.2021. It is her case that her husband fell down from the moving train and came between the wheels and died. She contends that she is entitled for compensation for the untoward incident which occurred with her husband.

4. It is a case of untoward incident involving the Indian Railways as it is the case of the petitioner that the husband of the petitioner was the bonafide passenger of the Railways.

5. Learned counsel for the petitioner submits that the petitioner tried to file an application before the Railway Claims Tribunal, Ranchi but because of the fact that the online software demanded the inquest report and the same was not with the petitioner, the filing was not accepted. He submits that she tried to file it in physical mode but the same was also not accepted.

6. Considering the nature of the claim made in this writ petition and availability of the alternative forum i.e. Railway Claims Tribunal, this application under Article 226 of the Constitution is not maintainable.

7. I direct the petitioner to file a fresh claim application before the Railway Claims Tribunal immediately within six weeks from today. If an application is filed, the same will be accepted, registered and thereafter decided by the Railway Claims Tribunal on merits, after following the due procedure.

8. With the aforesaid observation and direction, this writ petition is **disposed of**.

(ANANDA SEN, J.)