

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11315 of 2021

1. Ram Bahadur Pandey

2. Shambhu Rai

... .. Petitioner/s

Versus

1. Union of India through the Ministry of Railway, New Delhi through the Chairman.
2. The Chairman, Railways Board, New Delhi.
3. The General Manager, East Central Railways, New Delhi.
4. The Divisional Rai Manager, North Eastern Railways, Samastipur.
5. The District Magistrate, East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondent/s : Dr. Krishna Nandan Singh, ASG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2023

The above writ petition, filed in Public Interest, seeks for a direction to the Railways to provide a level crossing facility between K.M. 14.10 and K.M. 14.11 on the Sugauli-Raxaul Railway line near Ramgarhwa Railway Station. It is contended that this would facilitate safe crossing of the railway line by numerous villagers around the railway track.

The learned counsel for the petitioner specifically



referred to the map produced as Annexure- P-1 to point out the road which passes through the railway line. It is submitted that the road exists in the revenue map and it was so existing even prior to independence. It was the railway line which came later on expansion of the track between Sugauli and Raxaul. It is pointed out that there is a proposal to disconnect the access through the road by providing blockade on both sides of the railway track. On the said plan of the Railways coming to the knowledge of the residents, a number of public petitions were filed, one of which is produced as Annexure- P-2. It is stated in paragraph no. 12 that the District Magistrate inspected the premises and considered the request of the villagers, but no such report or order is produced by the petitioner.

Be that as it may, it is also to be noticed that the District Magistrate is not the final authority insofar as providing for railway gates and this is exclusively within the jurisdiction of the Railways. Further, representations are also produced as exhibits, based on which the above writ petition is filed for a direction to provide for the railway gate.

The Railways have filed a counter affidavit dated 01.10.2021. It is admitted that there is no railway crossing between Sugauli and Ramgarhwa at K.M. 14/10-11 but



however, it has come to the notice of the Railways that there is unauthorized trespassing into the railway lines by the villagers of the area, which is very unsafe and dangerous for the villagers themselves. It is to keep out the unauthorized trespass, the Circle Officer of Ramgarhwa Block was deputed as Magistrate for closing the unauthorized trespass on 29.01.2021 with the help of G.R.P. and R.P.F. along with Sr. Section Engineer(W), Sugauli. Only by reason of the agitation and protest of the villagers, the work of closure could not be carried out. It is also pointed out in the counter affidavit that already there is a level crossing having no. 09 at K.M. 15/4-5 which is approximately 456 meters from the portion where there is unauthorized trespass.

We are not convinced that any direction, as sought for in the writ petition, can be granted. The railway lines which also provide the means of transport to the travelling public cannot be allowed to be criss-crossed and trespassed at every point where there is a road crossing the rail track or in the alternative, the rail track crossing the road. The petitioner admits that in the initial stage when the railway track came into place, there was not much traffic on the road, but now it has increased exponentially. Hence even if the railway track was laid across



the road there was no requirement for a crossing to be provided at the specific location pointed out by the petitioners. It has also come out in the counter affidavit that just less than half a kilometer away there is a level crossing provided. It is not feasible for the Railways to provide level crossing at every spot where a road crosses the railway line. In fact, if blockade is created it would effectively prevent trespass; which is also a measure to protect the villagers from loss of life due to collision by a running train.

We find no reason to entertain the writ petition and dismiss the same.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

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Uploading Date	16.05.2023.
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