IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 613 of 2024

Lalgarh Welfare Society through its President, Kameshwar Singh, aged about 72 years, s/o Late Dev Singh, Resident of Lalgarh, P.O.-Lalgarh P.S-Bishrampur P.S. Bishrampur District – Palamau.

….. ….. Petitioner

Versus

1. The State of Jharkhand, represented through Chief Secretary, Jharkhand, At, P.O. and P.S. Ranchi, District- Ranchi.
2. Transport Commissioner, Jharkhand, At, P.O. and P.S. Ranchi, District-Ranchi.
3. Deputy Commissioner, Palamau, At, P.O, and P.S. Medininagar, District- Palamau.
4. Divisional Manager, Rail, East Central Railway, Dhanbad, At, P.O. and P.S. Dhanbad, District – Dhanbad.
5. Senior Divisional Engineer, East Central Railway, Dhanbad, At, P.O. and P.S, and District- Dhanbad.

….. …. Respondents

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner : Mr Baban Prasad, Advocate
For the Resp-State : Mr Sahbaj Akhtar, AC to AAG-III
For the Resp-Railways : Mr Abhijeet Kumar Singh, CGC

---

11 /Dated: 15.10.2026

1. Heard Mr Baban Prasad, learned counsel for the petitioner, Mr Sahbaj Akhtar, learned counsel for the respondent Nos. 1 to 3 (State) and Mr Abhijeet Kumar Singh, learned counsel for the respondent Nos. 4 and 5 (Railways).

2. The petitioner, in public interest, seeks a writ of mandamus commanding the respondents to immediately and forthwith commence and complete construction of works of manned level crossing or Road Over Bridge (ROB) in the existing railway line as described in the petition.

3. At the outset, the parameters for issuance of a writ of mandamus to the effect sought by the petitioner have not been made out. To seek a writ of mandamus, the petitioner has to establish a legal right in itself or the persons it represents and a corresponding legal duty upon the respondents.

4. In any event, even if such position is overlooked, we must confess that this Court does not have the expertise to decide on the issue as to whether a manned level crossing or a Road Over Bridge (ROB) is the best solution for the problem highlighted by the petitioner in this petition.

5. On behalf of 4th and 5th respondents (Railways), the Senior Divisional Engineer (1), (East Central Railway), Dhanbad has filed a detailed affidavit.

6. Paragraphs 6 to 13 of this affidavit are instructive and therefore, the same are transcribed below for the convenience of reference.

> *"6. That it is stated that there has been a long-standing demand from villagers for the construction of a manned Level Crossing (LC) or a Road Over Bridge ROB between Lalgarh Bihar and Rajhura (near Panjarikala village). The villagers are currently using this location for unauthorized trespassing, which poses a serious safety hazard.*
> *7. That it is stated that repeated representations have been made by the Railway authorities to the State Government, including the Transport Commissioner of Jharkhand, for the provision of necessary funds for construction of a ROB. However, no commitment has been received so far.*
> *8. That it is stated that as per the existing Railway guidelines, no new Level Crossing is to be opened. In fact, the Railways are progressively eliminating existing LCs to reduce accidents by providing Limited Height Subways (LHS) or ROBs, depending on site conditions.*
> *9. That so far as the policy of railway is concerned as per Railway Board's updated policy issued vide letter no. 2017/CE-IV/LX/Misc./244(LCs) Pt. dated 02.03.2023, para 2.1.3, in exceptional cases where there is no LC but the location is prone to trespassing affecting the safety of train operations and fixed railway infrastructure, Railways may consider provision of RUBs/LHS/FOB at Railway cost, subject to feasibility.*
> *10. That it is stated that based on this policy, after thorough examination of the site, it was decided to construct a Limited Height Subway (LHS) at location Km 307/31-308/01 between Lalgarh Bihar Railway Station and Panjarikala on RHR-TRZ section. The construction of LHS has already begun and the work is in progress.*
> *11. That in the light of the policy of Indian Railway the proposed location does not meet the Railway's eligibility guidelines for ROB construction as it is not situated on a National Highway, State Highway, or District Road, nor does it cater to any industrial traffic necessitating movement of heavy vehicles.*
> *12. That it is stated that as per policy, ROB construction can only be considered on a cost-sharing basis with the State Government.*

However, no confirmation letter regarding cost sharing for ROB construction has been received from the State Government in this office to date. Therefore, at present, no ROB work is being undertaken at this location.
13. That in view of the abovementioned facts and circumstances, it is evident that the present status is that Railways are constructing a Limited Height Subway (LHS) at location Km 307/31-308/01 between Panjarikala and Lalgarh Bihar villages, which will provide alternative passage to cross railway track and address the long pending demand of LC/ROB."

7. The affidavit fairly answers the issue about non-feasibility of having a manned level crossing or even a ROB. No doubt, earlier, it was stated that construction of an ROB would require contribution from the State Government and despite correspondences, no commitment about such contribution was forthcoming from the State Government.

8. However, the affidavit, by reference to the policy guidelines framed by the Railways, clearly states that the railways are progressively eliminating existing level crossings to reduce accidents. Further, the affidavit also points out that the ROB construction guidelines would not permit the construction of a railway over bridge at the site demanded by the petitioner.

9. These are all policy matters or in any event, matters to be decided by the experts in the field and there is really very limited scope for this Court to second guess the opinion of the experts in this arena.

10. In any event, we find that it is not as if the Railways have done nothing or are doing nothing about the problem highlighted by the petitioner. The affidavit on behalf of the Railways states that they are constructing a Limited Height Subway (LHS) at location Km 307/31-308/01 between Panjarikala and Lalgarh Bihar villages (in the district of Palamau, Jharkhand), which will provide alternate passage to cross railway track and address the long pending demand of level crossing / ROB.

11. The affidavit states that the construction of LHS has already begun and work is in progress. This affidavit was filed on 15.10.2025 and by now, the construction of LHS should have been completed.

12. Mr Baban Prasad, however, submits that the work of LHS is not yet completed. He also points out that LHS will not solve the villagers' problem because invariably there is water flooding during the monsoons. He points out that school going children are required to access this area. The only option for the school going children and other villagers is to either cross the railway tracks or to use such LHS which is mostly flooded. He, therefore, submits that ROB would be the best solution and the Railways and the State Government should provide for such ROB.

13. Considering the affidavit filed before us, referring to the policies of the Indian Railways regarding progressive elimination of level crossings and guidelines for providing ROB, we may not be able to issue any writ of mandamus as prayed for by the petitioner. However, if according to the Railways, LHS is a good enough solution and they are already in the process of constructing the LHS, then, the Railways Authorities, must also address this issue of flooding. Otherwise, there is no point in spending so much of money in constructing LHS, but not making it conducive for the purpose for which it is being constructed. Therefore, though we are not issuing the mandamus sought for by the petitioner in this matter, we firstly direct that if the construction of the LHS is not complete, then, it must be completed as expeditiously as possible and in any event within four months from today. On behalf of respondents 4 and 5, a compliance report should be filed in this Court after giving an advance copy to the learned counsel for the petitioner about the completion of this work of construction of LHS.

14. Further, we direct the respondents 4 and 5 to take all necessary measures to see that this LHS which is being constructed addresses the issue of flooding, so that the money that the Railways have spent from public funds is not lost in the flooding water. Ultimately, if the LHS is being constructed for the benefit of the school children and the villagers, then, they should be able to use this LHS for purposes of safely travelling beyond the railway line without having to dangerously cross the railway lines unauthorisedly.

15. This petition is disposed of with the above limited directions and without any order for costs.

16. We appreciate the petitioner for taking up this cause.

17. The compliance affidavit must be filed in this matter by 12th of March, 2027 by giving an advance copy to the learned counsel for the petitioner. Though we are disposing of this matter, we direct the Registry to place the matter high on board on 18th of March, 2027 to consider compliance.

(M.S. Sonak, C.J.)

(Manoj Prasad, J.)

October 15, 2026
Ranjeet / R.Kr
NAFR
Uploaded on 15.10.2026