

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1441 of 2014

CNR No. BRHC010302692013

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1. M/s Ganpati Traders and Ors P.O. And P.S. Hasanpur, District- Samastipur Through Its Proprietor Nishant Agrawal, S/O Rajendra Agrawal, R/O Machhu Patti, P.O. And P.S. Hasanpur, Samastipur
 2. M/S Parthiv Trading Company A Proprietorship Firm Having Its Place Of Business P.O. And P.S. Hasanpur, District- Samastipur Through Its Proprietor Krishna Kumar S/O Nand Lal R/O Main Road, Dalsingsarai, Hasanpur, Samastipur
 3. M/S Gayatri Enterprises A Proprietorship Firm Having Its Place Of Business At P.O. And P.S. Hasanpu S/O Late Niwas Agrawal R/O Block Road, Hasanpur Road, P.O. Hasanpur, District- Samastipur
 4. M/S Shubham Traders Having Its Place Of Business At P.O. And P.S. Hasanpur, District- Samastipur Th W/O Pramod Kumar R/O P.O. And P.S. Hasanpur, District- Samastipur
 5. M/S Binod Trading Company A Proprietorship Firm Having Its Place Of Business At Machhu Patti, P.O. And P.S. Hasanpur, District- Samastipur Through Its Proprietor Rajendra Agrawal, S/O Late Niwas Agrawal, R/O Machhu Patti, P.O. And P.S. Hasanpur, Samastipur

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary Ministry of Railway, Rail Bhawan, New Delhi.
2. The Railway Board, Rail Bhawan New Delhi Through Its Chairman
3. The General Manager, East Central Railway, Hazipur, Patna
4. The Chief Commercial Manager, East Central Railway, Hazipur, Patna
5. The Senior Divisional Commercial Manager, East Central Railway, Samastipur
6. The Divisional Railway Manager, East Central Railway, Samastipur
7. The Station Manager-Cum-Goods Superintendent, Hasanpur Road, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : M/s Gautam Kejriwal,
Priya Gupta, Advocates
For the Respondent/s : M/s R.K.Priyadarshi, Advocate



CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-10-2026

1. The petitioners have filed the instant application for the following reliefs:

“ (a) For a direction upon the respondents to effect construction of the proper sheds at the railway siding at Hasanpur Road within the Samastipur Division in absence of which the traders community like the petitioners and others are facing serious problems in smoothly carrying out their trade activities which involve loading and unloading of consignments from the siding;

(b) For a direction upon the respondents to construct at places of complete absence and improve the condition of the existing platform at the siding at Hasanpur Road in absence of which the traders in general are facing great difficulties in causing movement of vehicles with stock of goods to be loaded in the wagons in the rake, movement of labor with stock during rains, stacking of unloaded stock and rise in the risk of injuries due to mud and pots during rains;



(c) For a direction upon respondents to make adequate lighting arrangements at the Hasanpur Railway siding in order to facilitate the use of the siding in the evening hours and even late night when the working hours is 24 hours in order to enable the railway users like the petitioners and similar traders avoid the imposition of demurrage and wharfage charges which are penal in nature;

d) For a direction upon the respondents to provide adequate securities at the railway siding at Hasanpur for the safety and protection of the men and property during the working hours specially during late evening hours in absence of which the to work frequent railway users find it very difficult continuously at the siding and also there always takes place frequent theft of stock and materials lying at the siding in open without any care and protection;

(e) For as direction upon the respondents to ensure construction of a high storage capacity godown at the Hasanpur Railway siding in order to



facilitate the storage of the unloaded stock from the railway rakes because it is not always possible for the traders to remove the entire stock from the railway premises as soon as unloaded to their place of business and likewise in case of loading as well it is not possible to load one whole rake in one go by carrying the stock from the business place and load the same into wagons;

(f) For a declaration that the department of railways of the union of India being the owner and controlling authority of the railway administration through out the country operates the whole system through the respondent authorities are duty bound to ensure the availability of the basic amenities at the railway siding used for commercial purposes by the railway users specially the traders and other business class people;

(g) For a declaration that the public in general are entitled to fundamental infrastructure at the railway siding in a sound and perfect state against the



payments made by them to the union of India in the shape of freight, rentals, other service, taxes etc. which are recovered at the prescribed norms regardless of the state of affairs truly existing and the rights been denied to the public in general which is against the concept of welfare state;

(h) For any other relief or reliefs which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case;"

2. The brief facts culled out of the Writ petition are that the petitioners are wholesale traders of food grains, particularly maize, and use the railway sidings at Hasanpur and other adjoining stations for loading and transportation of their consignments to different parts of the country.

3. The petitioners' grievance is that the railway sidings, particularly the Hasanpur siding, lack basic infrastructure and facilities such as proper sheds, wharf/platform, adequate lighting,



godown and security. According to the petitioners, these deficiencies frequently obstruct loading and unloading operations, particularly during rain and at night, resulting in detention of rakes beyond the permissible free time.

4. The petitioners contend that despite the aforesaid deficiencies, the respondents recover penal charges from railway users in form of demurrage and wharfage charges, without considering the difficulties caused by inadequate infrastructure and without affording any opportunity of explanation to the railway users.

5. It is further stated that the respondents are responsible for maintaining the railway sidings and providing basic facilities necessary for their proper and convenient use. The petitioners, therefore, contend that the continued imposition and recovery of such charges, despite the alleged infrastructural deficiencies, is arbitrary and affects their right to carry on trade under Article 19(1)(g) of the Constitution of India.

6. It is further submitted that the



petitioners cannot be penalised for delays attributable to the respondents' failure to provide the requisite facilities and that the impugned levy of demurrage and wharfage, in such circumstances, is arbitrary and unreasonable.

7. The Learned counsel for the respondents opposes the Writ petition and submits that the demurrage and wharfage charges have been levied in accordance with the applicable Railway rules, for detention beyond the permissible free time. The Learned counsel for the respondents submits that the alleged infrastructural deficiencies do not, by themselves, absolve the petitioners from payment of the prescribed charges.

8. It is further submitted by the Learned counsel for the respondents that the petitioners have an alternate remedy under the Railway rules for waiver or reduction of such charges. It is submitted that there is no violation of Article 19(1) (g) of the Constitution of India. The Learned counsel, therefore, prays to dismiss the Writ



petition.

9. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

10. Having considered the rival submissions and the materials available on record, this Court finds that the present Writ petition is founded on the alleged deficiencies in the infrastructure of the Hasanpur Railway siding and the difficulties faced by the petitioners and other railway users.

11. No specific order or action of the respondents has been challenged in the present Writ petition. The reliefs sought are principally in the nature of general directions for providing and improving better facilities at the railway siding. Such reliefs, based merely on the assertions made by the petitioners regarding the existing condition of the siding, cannot be granted in exercise of the Writ jurisdiction in the present proceedings.

12. The petitioners have also not approached this Court by way of Public Interest



Litigation, nor they have placed sufficient material to establish any infringement of fundamental right warranting the interference of this Court.

13. In the aforesaid circumstances, this Court finds no ground to entertain the present Writ petition. Accordingly, the Writ petition is dismissed.

14. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2026
Transmission Date	

