

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.800 OF 2019
IN
WRIT PETITION NO.5073 OF 2018**

Yogeshchandra Shantaram Bhoir & Anr. ...Applicants
V/s
The Union of India and Ors. ...Respondents

Mrs. Yogita Deshmukh-Chitnis, for Applicants/Petitioners.
Mr. G. R. Sharma, Special Counsel a/w. Mr. D. P. Singh for Respondent-UOI.
Mr. T. J.Pandian a/w. T. C. Subramanian, Dheer Sampat & Prachi Shah for the Respondent-Railway.

**CORAM : A. A. SAYED &
MADHAV JAMDAR, JJ**

DATED : 6th MAY, 2021

P.C.:

Pursuant to the order dated 18th March, 2020, the Applicants/Petitioners as well as the representatives of the Central Railway had a meeting on 20th March, 2020, minutes of which are placed before us. The said minutes read as follows:

“Minutes of the meeting regarding removal of Salt Stored at Survey No. 101, 109 at village Umelman & Survey No. 120 & 124 of village Umela Taluka Vasai, Dist-Palghar between Central Railway and the Petitioners, Shri Yogeshchandra Shantaram Bhoir & Ors., as per Order dated 18.03.2020 in W.P. No. 5073 of 2018 filed by Shri Yogeshchandra Shantaram

Bhoir & Ors. held on 20.03.2020 at Central Railway, Mumbai CSMT.

RAILWAY OFFICERS PRESENT:

- 1. Shri. Dattatray Damodhar Lolge, Sr. DEN (NE)*
- 2. Shri Lalkumar DOM (COG)*

PETITIONERS:

- 1. Shri Yogeshchandar Shantaram Bhoir*

As per the above directions of the High Court, the concerned meeting has been held between the officials of Central Railway & the Petitioners Shri Yogeshchandra Shantaram Bhoir. The following has been decided as under:

- 1. The Petitioners requires crossing of JCB one time on 5th April, 2020. Thereafter crossing of 4 trucks per day through and fro i.e. from 15th April, 2020 to 30th May, 2020 (45 days). Time slot will be required on Tuesday, Thursday and Saturday. Within this 4 slots of 15 minutes each between 14.00 hrs. to 18.00 hrs.*
- 2. The Respondent will accordingly arrange for the time slots."*

2. It appears that due to lock-down, the work for the crossing JCB/Trucks was not carried out in April-May 2020 as provided in the aforesaid minutes dated 20.03.2020. It is pointed out that once the ensuing monsoon of 2021 begins the work of transport of salt will be hampered.

3. Having heard learned Counsel for the Applicants/Petitioners and learned Counsel for the Respondents-Central Railway, we

issue the following directions:

(i) The Applicants/Petitioners shall deposit a sum of Rs.75,000/- in this Court by Monday 10th May, 2021.

(ii) The Respondent-Railway shall furnish a Schedule to the Applicants/Petitioners for crossing of the JCB/Trucks with appropriate days and time slots within 5 days from today. The work of crossing of the JCB/trucks shall start from 13th May, 2021 onwards and shall continue until 12th June, 2021 so as to transport the salt manufactured by the Petitioners.

(iii) The Applicants/Petitioner shall provide the labourers/workers for the carrying out the work of putting temporary gunny bags on the railway track at the level crossing, etc. and the Respondent-Railway shall deploy a responsible officer for guidance and supervision of the said work in accordance with the Schedule furnished by the Respondent-Railway.

4. List the Civil Application and Petition for directions on 15th June, 2021.

(MADHAV JAMDAR, J.)

(A. A. SAYED, J.)