

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 & Ors. ... **Applicants**

Versus

The Union of India & Ors. ... **Respondents**

Ms. Yogita Chitnis, Advocate for the Applicants.

Dr. G. R. Sharma, Senior Counsel a/w. Mr. D. P. Singh a/w.
Adv. Gulab Yadav, Advocate for Respondent Nos.1,4 and 5.

Mr. T. J. Pandian, Advocate for the Respondent Nos.2 and 3.

**CORAM: S.V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : MAY 5, 2022

P.C.

1. By an interim measure the applicants/petitioners seek direction to allow the applicants/petitioners to transport the salt. According to the applicants/petitioners, their land is obstructed due to railway track and the transportation of salt is not possible without the assistance of the railway authority for crossing of the JCB/trucks. The prayer is made in the present civil application to direct the respondent/railway to construct the level crossing.

2.. According to the applicants/petitioners, they are the owners of the writ land where the salt is manufactured. According to the respondents, the petitioners are not the owners of the land. Be that as it may, today the said dispute need not be decided and considered.

3. On the last date, we heard the matter for some time with regard to the interim prayer. The respondent railway authorities had also visited the site and according to them also at present considering the situation on the site, it may not be possible for the applicants/petitioners to transport the salt through other road.

4. This Court last year also was required to pass interim order for the purpose of transportation of salt.

5. Considering the aforesaid, we follow the same course as was adopted last year under the order dated 6th May 2021 and pass the following order :

ORDER

- (i) The applicants/petitioners shall deposit a sum of Rs.75,000/- in this Court by Monday 10th May 2022.
- (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 2022 onwards and shall continue until 12th June 2022 so as to transport the salt manufactured by the petitioners.
- (iii) The applicants/petitioners 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.

6. List the present writ petition for admission and hearing on **27th June 2022**.

7. The respondents may file their affidavits-in-reply.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)