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**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 and Anr. ... Petitioners

vs.

The Union of India through the Under Secretary, Ministry of Commerce and Industry and Others ... Respondents

Mr. Amogh K. Karandikar, Advocate for the Petitioner/Applicant.

Mr. D. P. Singh a/w. Mr. G. R. Sharma, Advocate for Respondent Nos. 1, 4 and 5.

Mr. R. P. Ojha a/w. Ms. Kirti Ojha, Mr. Rakesh Dubey and Mr. Ankit Ojha, Advocate for Respondent Nos. 2 and 3 (Railways)

**CORAM : R. D. DHANUKA &
GAURI GODSE, JJ.**

DATED : 4 MAY, 2023

P.C. :-

1. This application is filed seeking interim relief for directing Respondents to allow the Applicants to transport salt by crossing the railway track. According to the Applicants the land is obstructed and hence the transportation of salt is not possible without the assistance of the Railway Authorities to allow crossing of JCB/Trucks.

2. Learned Advocate for the Petitioners states that by earlier orders also this Court had granted relief to the Petitioners thereby directing the Respondents to allow the Applicants to transport their vehicles for the purpose of crossing railway tracks. By order dated 5th May 2022, it is recorded that the Respondent- Railway Authority had visited the site and according to them also at present considering the situation on the site it may not be possible for the Applicant to transport the salt through other roads.

3. Learned Advocate for Respondent Nos. 2 and 3 on instructions states that the position prevailing as on 5th May 2022 has not changed and today also there is no other road available. In such circumstances, we are inclined to pass similar order on the terms as recorded in the order dated 5th May 2022 except for directing the Applicant to pay a sum of Rs. 1 lakh to the Senior Divisional Finance Manager, Central Railway. Hence we pass the following order :

(i) The Applicants/Petitioners shall pay to Senior Divisional Finance Manager, Central Railway an amount of Rs. 1 lakh within a period of one week from today.

(ii) Respondent Nos. 2 and 3 shall furnish a schedule to the Applicants/Petitioners for crossing of JCB/Trucks with appropriate days and time slots within five days from today.

(iii) The work of crossing of the trucks shall start from 12th May 2023 onwards and shall continue till 5th June 2023 so as to transport the salt manufactured by the Applicants/Petitioners.

(iv) The Applicant/Petitioners shall provide the labourers/workers for carrying out the work of putting temporary gunny bags on the railway track at the level crossing, etc. and the Respondent Nos. 2 and 3 shall deploy a responsible officer for guidance and supervision of the said work in accordance with the Schedule furnished by the Respondents.

(v) The Respondent Nos. 2 and 3 shall be permitted to withdraw the amount that is deposited by the Applicants/Petitioners in this Court as per earlier orders passed in this application.

(vi) Respondent Nos. 2 and 3 to file reply within a period of eight weeks from today with a copy to be served upon the Applicants/Petitioners Advocate simultaneously. Rejoinder to be filed within two weeks thereafter.

(vii) The Petitioner is at liberty to file Rejoinder if any, to the reply filed by Respondent Nos. 1, 4 and 5.

(viii) Parties to act on an authenticated copy of this order.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)