

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.5856/2007
(Anandilal s/o Hajarimal Bhutada and another .vs. Shegaon Municipal
Council and others.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. F.T. Mirza, Advocate as *amicus curiae* .
Mr. N.R. Saboo, Advocate for Respondent no.1
Mrs. Bharti Dangre, Government Pleader for Respondents 2 to 5
Mr. A.R. Patil, Advocate for Respondent no.6.
Mr. Nitin Lambat, Advocate for Respondent no.9.

CORAM : B.R. Gavai & Indira K. Jain, JJ.
DATED : June 24, 2015.

1. Leave to add Ministry of Railways as party respondent. Amendment be carried out forthwith. Mr. Lambat, learned counsel waives notice for the added respondent.

2. When the matter was listed on the last date, since the Railway Department was not represented and since the Court was of the opinion that the Railway Authorities were not dealing with the present public interest litigation with the seriousness as is required, we had issued notice to the Divisional Railway Manager, Bhusawal, calling upon him to remain present in this Court.

3. In response to the notice issued by this Court, Mr. Sudhir Kumar Gupta, presently working as Divisional Railway Manager, Central Railway, Bhusawal Division, Bhusawal, has filed the affidavit and is personally

present in the Court. Time and again we had expressed that we do not gain any pleasure in calling the Officers to the Court. Insofar as their duties are concerned, we are of the considered view that they should be permitted to discharge their important duties. However, when the Court notices that the authorities are not giving due attention to the litigations which involve a public interest and that when the lawyers even do not give due seriousness to such matters, we are required to take such steps.

4. We have perused the affidavit filed by Mr. Gupta. Insofar as the development works to be carried out by the Railway Authorities at Shegaon are concerned, there are three issues viz. (i) regarding the foot over-bridge for which an amount of Rs.1 crore has been already deposited by the State; (ii) construction of subway so that there is a better connectivity on a Shegaon-Akot road and (iii) a home platform. Another affidavit is also filed by respondent no.9 i.e. the Divisional Railway Manager (Works).

5. The perusal of para 5 of the affidavit of the Divisional Railway Manager (Works) is concerned, it shows that the target date for completion of work of second foot over-bridge is 31.12.2015. Since the amount for the said foot over-bridge is already paid by the State Government, we direct the respondent no.9 to ensure that the construction of the second foot over-bridge is completed by 31.12.2015.

6. Insofar as the second issue i.e. subway is concerned, it is submitted that the joint inspection report will be completed by 29.06.2015 and the tentative costs of work would be conveyed to the Sponsoring Authorities i.e. the State Government by 29.06.2015. We direct that the joint inspection and the estimate for undertaking the said work shall be completed by 30.06.2015 and a report regarding that be submitted to this Court by 04.07.2015. We will consider the further orders to be passed in the matter after the report is submitted.

7. Insofar as third issue is concerned regarding home platform, there is no mention in the affidavit. In addition to what is stated in the affidavit dated 28.04.2015, Mr. Lambat, the learned counsel on instructions of the Divisional Railway Manager present in the Court states that home platform is technically feasible. It is, however, submitted that the final decision will have to be taken by the competent authority of Divisional/Zonal Railway/Ministry of Railways.

8. It is a matter of common knowledge that on certain dates in a year, the Railway Station at Shegaon is flooded with pilgrims. On some occasion, lacs of devotees used the railway facilities. In order to avoid any undue event, it is appropriate that there is a home platform so that the passengers are not required to travel on a foot over-bridge so as to board the train.

9. We, therefore, direct the competent authority of Divisional/Zonal Railway/Ministry of Railways to take

final decision with regard to construction of home platform at Shegaon within a period of three months from today.

10. We accept the explanation given in para no.7 by Mr. Gupta, Divisional Railway Manager, Central Railway, Bhusawal Division, Bhusawal in the affidavit and discharge the notice issued to him on the last date.

11. Stand over to 15/07/2015.

JUDGE

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