

**(2001) 02 MP CK 0060**  
**In the Madhya Pradesh High Court**

|                      |    |            |
|----------------------|----|------------|
| Janta Chemicals      | Vs | APPELLANT  |
| Union Of India (UOI) |    | RESPONDENT |

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**Date of Decision :** 02-02-2001

**Acts Referred:**

**Citation :** (2001) 2 ACC 123

**Hon'ble Judges :** A.M. Sapre, J

**Bench :** Single Bench

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### Judgement

A.M. Sapre, J.—The decision rendered in this writ shall also govern the disposal of other two writ petitions being M.P. Nos. 875 and 876 of 1993, as in all the three writ petitions common question of law is involved. Facts in brief that led to filing of these writs need mention in brief.

2. On 11.4.1990, one Railway Wagon full of petrol Neptha and which was a part of entire goods train was passing through Railway Station Nagda. It so happened that while the train was in motion, the petrol stored in the wagon got leaked from the tanker resulting in catching of fire in the entire wagon. This further resulted in explosion of entire wagon which caused damage to properties of those persons living in the surrounding and adjoining areas. The loss was to persons as also to property, but for no fault of innocent persons living in that area.

3. It appears that State Government then set up some inquiry and the loss sustained by the affected persons was assessed but the compensation was not paid for the reasons best known.

4. Several persons then filed writ petitions in the High Court claiming compensation arising out of this incident and the loss sustained by them. Present three petitions are amongst the lot of petitions. One such petition being W.P. No. 874/1993 filed by one victim by name Manna and others was finally heard and decided by the Division Bench of this Court by their order dated 30.7.1998.

5. This Court taking into account undisputed but genuine suffering of the victims

passed the following directives against the respondent for payment of compensation to the petitioners (of W.P. No. 874/1993):

At this stage M/s. Mehta and Zelawatprayed for filing reply to the petition. Prayer is rejected because the petition has remained pending since 1993 and is slated for final hearing. It would be travesty of justice to reverse the clock now and to put premium on default of respondents. Moreover relief prayed for and orders proposed to be passed lying innocuous this petition can be disposed of by providing as under:

The Union and its concerned functionaries of Western Railway including its General Manager are directed to examine the petitioners' case and to take steps to suitably compensate them taking in regard the relevant rules and also the loss assessed by the M.P. Govment The Govment on its part shall submit report of its enquiry along with the assessment of loss determined to General Manager, Western Railway and Union Secretary, Railway Minister for obtaining funds and taking any other appropriate steps to compensate the petitioners in accordance with law. It shall do so within two months from the receipt of this order and the Railway Authorities shall have four months thereafter to finalise the process for consideration and dispose of the petitioners' claim.

Petitioners shall supply eight sets of this petition to the Registrar for despatch to all concerned Authorities along with the copy of this order to facilitate expeditious consideration of the petitioners' claim.

6. The present petition as also the other two petitions referred above could not be listed for hearing along with the aforementioned writ and hence remained pending. It is not in dispute nor any attempt was made by the learned Counsel for the respondent to contend that these petitions are not identical to one decided supra.

7. It is with this background the question that arises in these three petitions is what relief these three petitioners are entitled to.

8. Heard Mr. B.L. Bhartiya, learned Counsel for the petitioner and Mr. Y.I. Mehta, learned Counsel for the respondent.

9. Learned Counsel for the petitioners made only one submission that these petitions may also be disposed of on the same lines on which the earlier petition (being W.P. No. 874/1993) is disposed of by the Division Bench.

10. Learned Counsel for the respondents states though all these petitions relate to one and the same accident and are based on identical case, yet since in these cases, the respondents are denying the claim of petitioners and hence no direction be issued. It was also urged that petitioners should resort to filing of suit and not the writ.

11. Having heard the learned Counsel for the parties and having perused the entire record of the case, I find force in the submission of learned Counsel for the

petitioners. Indeed, judicial propriety demands that I must follow the view taken by the Division Bench in a petition which also arises out of the same incident and bring these Three petitioners at par with the one in whose favour the Division Bench decided the petition. In other words, firstly sitting in Single Bench, I cannot take a different view than the one taken by the Division Bench on the identically based facts and secondly, even on principle of equity, why should these Three victims of the same incident be deprived of the same directions issued by the Division Bench for adjudication of their claims.

12. In the facts of this particular case, the objections raised by the respondents need not be thus decided as they are more legal in nature. The cast, of petitioners being genuine what need to be gone into by the respondents is only to assess the property damage and pay the same. It is now more than 10 years that petitioners have been deprived of their legitimate claims but for no fault of theirs.

13. In view of aforesaid discussion, I dispose of this petition in terms of directions given by this Court on 30.7.1998 in M.P. No. 874/1993. The directions are in following terms:

The Union and its concerned functionaries of Western Railways including its General Manager are directed to examine the petitioners-case and to take steps to suitably compensate them taking into regard the relevant rules and also the loss assessed by the M.P. Movement The Govment on its part shall submit report of its enquiry along with the assessment of loss determined to General Manager, Western Railways and Union Secretary, Railway Ministry for obtaining funds and taking any other appropriate steps to compensate the petitioners in accordance with law. It shall do so within two months from the receipt of this order and the Railway Authorities shall have four months thereafter to finalise the process for consideration and dispose of the petitioners" claims.

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