

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.Nos.6808 and 2940 of 2012

Vedaranyam Small Scale
Salt Manufacturers
Federation,
Rep. by its President.

A.Ahmed Ali Jaffar

.. Petitioner in
WP.6808/2012
.. Petitioner in
WP.2940/2012

-vs-

1.The Union of India,
rep. by its Secretary,
Ministry of Railways,
No.236, Rail Bhavan,
New Delhi.

2.The General Manager,
Southern Railway, Office of
the Southern Railways,
Park Town, Chennai.

3.The Chief Administrative Officer,
Southern Railways, Construction,
Egmore, Chennai.

4.The Divisional Manager,
Southern Railways,
Trichirappalli.

.. Respondents
in both WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus (i) WP.No.6808/2012 - to direct the respondents to implement the letter issued by the Chief Administrative Officer, Southern Railway (Construction) Egmore, Chennai-8, the 3rd respondent herein in his letter No.W.315/1/1/CN/P1/350 dated 20.4.2009 and convert the Meter Gauge line as Broad Gauge line from Thiruvavarur-Thiruthuraipoondi upto Agasthiampalli within the time limit as fixed by this Court; and (ii) WP.No.2940/2012 - to direct the respondents to implement the Railway

Authority letter dated 14.11.2006, 12.1.2007 and 26.4.2007 and convert the meter-gauge line as Broad Gauge Line from Myladuthurai to Kariakudi via Adirampattinam and restore the Kamban Express Train service from Chennai to Karaikudi via Adirampattinam.

For Petitioners : Mr.Sathiamurthi in WP.6808/2012
: No appearance in WP.2940/2012

For Respondents : Mr.R.Thiagarajan, S.C.
For Mr.V.G.Suresh Kumar for RR1 to 4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitions have been filed seeking conversion of Meter Gauge line to Broad Gauge line for different sections, i.e. from Thiruvarur-Thiruthuraipoondi upto Agasthiampalli and Myladuthurai to Kariakudi via Adirampattinam.

2.Status reports have been filed and it is stated that the process is on, but it will take its own time, especially in view of the budget constraints. The budgetary allocation for the year 2015-2016 is stated to be now Rs.130 crores. The requirement is for construction of minor bridges and substantive part of that work has been completed. On completion of the minor bridges work, the remaining work will be planned.

3.As to how the Railways should be run, where the stations should be located, whether conversion should take place or not into the broad gauge line are all matters of policy decision requiring budget allocations. It is not possible to really monitor all these aspects through a P.I.L. No doubt, every one would be desirous of improvement in the facilities and conversion into broad gauge, but the priority of the same and the progress would depend substantively on budget allocations. We may also refer to the judgment of this Court, of which one of us is a party (S.K.K.,CJ.) in W.P.No.33547 of 2013 (P.K.Naarayanan and another vs. Union of India and others) decided on 30.07.2014, wherein a reference has been made to the observations of the Hon'ble Supreme Court in Union of India and Others vs. J.D.Suryavanshi, [(2011) 13 SCC 167]. In the said judgment, the Hon'ble Supreme Court, taking into consideration its earlier judgments, has held as under:

'11.This Court has repeatedly warned that courts should resist the temptation to usurp the power of the executive by entering into arenas which are exclusively within the domain of the executive. How many coaches should be attached, what types of coaches are to be attached, on which lines what trains should run, what should be their timings and frequency, are all matters

to be decided by the Railway Administration using technical inputs, depending upon financial, administrative, social and other considerations. This Court has repeatedly held that courts should not interfere in matters of policy or in the day-to-day functioning of any departments or Government or statutory bodies. Even within the executive, the need for separation of roles has been voiced.''

4.In view of the aforesaid, we close both the writ proceedings. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra
To

1.The Secretary to Govt. of India,
Ministry of Railways,
No.236, Rail Bhavan, New Delhi.

2.The General Manager,
Southern Railway, Office of
the Southern Railways,
Park Town, Chennai.

3.The Chief Administrative Officer,
Southern Railways, Construction,
Egmore, Chennai.

4.The Divisional Manager,
Southern Railways,Trichirappalli.

+ 1 cc to Mr.S.Sathiamurthy, Advocate SR.14590

+ 1 cc to Mr.Ahamed Ali Jaffar, Advocate SR.15373

TS (CO)
EU 31.03.2015

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