

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 111 OF 2016**

Sapan Shrivastava & Anr.

...Petitioners

Versus

General Manager, Central Railway
& Ors.

...Respondents

Mr. Sapan Shrivastava, Petitioner No.1 is present in-person

Mr. T. J. Pandian for the Respondent Nos. 1 & 2

Mr. Akshay Sawant a/w Mr. V. S. Kapse for the Respondent No.4

***CORAM : DR. MANJULA CHELLUR, C.J. &
M. S. SONAK, J.
TUESDAY, 14th NOVEMBER, 2017***

P.C. :

1. Since the petitioner No.1 is filing several Public Interest Litigations, as party in-person and in some matters, the Courts have directed him to engage Counsel, since the petitioner lacks knowledge in the procedure and other legal issues and was unable to answer the Court questions, we have to see whether the petition is sustainable as a PIL and whether the nature of reliefs sought in the petition would persuade us to issue notice to the respondents. The petitioners have sought the following reliefs as prayers :

“B. It is most respectfully prayed that the court may issue :

- a. Writ, Order or Direction in nature of Mandamus or any other appropriate writ, order or direction to the Respondent no. 1 & 2 stop arresting passengers travelling in luggage coach and removal of warning stickers.*
- b. Writ, Order or Direction in nature of Mandamus or any other appropriate writ, order or direction to the respondent no. 1, 2, 4 to identify responsible officers and staff for harassing more than 1 lac passengers with strict disciplinary action (Removal of service) and registration of criminal case under IPC 166, 409, 20B, 34, etc.*
- c. Be pleased to compensate the affected passengers by forming committee with minimum compensation of Rs. 5000 to each passenger at their registered address.*
- d. Ad-interim in terms of prayer clause (a)*
- e. Any other orders as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case be also passed in favour of the petitioner in the interest of justice;*
- f. Cost of the present petition be also allowed in favour of the petitioner and against the Respondents.”*

2. The very reliefs sought in the petition would go to show that the petitioners have not understood that the action of the respondent Authorities is in the light of following the procedure how luggage coach and passenger coaches can be utilized. If the prayer (a) is allowed, we would be passing orders violating the procedure and the regulations. The luggage cabin or coach is only meant for carrying the luggage and if they

are allowed for the travel of the passengers, it would be nothing but a death trap sometimes, since there will not be facilities of a normal passenger coach, once the door of the coach is closed. There are no windows for passage of air and if passengers are allowed in such coaches with the doors open for free passage of air, it may lead to other problems like missing of the articles kept in the luggage coach, apart from suffocation, stampede, since there are no seats in the luggage coach. If the manufacturing of luggage cabin is not suitable for carrying the passengers and the procedure including the specification of the seats and the size of the cabins with the sitting arrangement is not complied with, then the Railways would be violating the safety measures. Therefore, the first prayer at (a) is nothing but directing the Department to proceed against the procedure contemplated, which cannot be allowed, since it violates the Rules and Regulations as well as for other reasons as mentioned above.

3. The other reliefs are nothing but the consequences of stopping the passengers using the luggage cabins. If the respondent officers are strictly following the Rules by removing the passengers from the luggage cabins, they are doing their duties in accordance with the procedure

contemplated. Therefore, there cannot be any disciplinary action against the officials who have implemented the Rules and Regulations by putting stickers on the luggage cabin and by restricting the passengers to enter the luggage cabin. The question of paying compensation to such passengers who are affected by this, will not arise.

4. Under these circumstances, we are of the opinion that present petition cannot be entertained as PIL. Accordingly, the same stands dismissed.

M. S. SONAK, J.

CHIEF JUSTICE