

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.868/2020

S.Kuppusamy

.. Petitioner

Versus

1.The General Manager
Southern Railway Office
Chennai 600 003.

2.The Senior Divisional Operations
Manager/Chennai&PIO/Operation Branch
Chennai Division, Transportation Branch
Chennai 600 003.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to consider the representation of the petitioner dated 16.07.2019 and restore the Chennai Beach-Saint Thomas Mount turn back EMU service or consider operating a Chennai Beach-St. Thomas return EMU service.

For Petitioner : Mr.B.R.Sankaralingam

For RR 1 & 2 : Mr.P.T.Ramkumar

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

(1)By consent, the writ petition is taken up for final disposal. Mr.P.T.Ramkumar, learned counsel accepts notice on behalf of respondents.

(2)The writ petition is styled as a Public Interest Litigation and the grievance expressed by the petitioner, who is also a travelling public, is that before Chennai Beach - Tambaram was

converted as broad gauge line, there were three turn back trains [cut-service] provided between Chennai Beach and St.Thomas Mount and after conversion as a broad gauge, it was totally stopped and as a result, the travelling public, especially, who are boarding at St.Thomas Mount, are put to utmost inconvenience and hardship during peak hours.

(3) The learned counsel for the petitioner has drawn the attention of this Court to the representation dated 16.07.2019 submitted by the petitioner to the 1st respondent and would submit that the scheduled timings are also not maintained especially during peak hours and it is also adding difficulties to the travelling public and hence, prays for appropriate orders for restoration of the turn back / cut service between Chennai Beach and St.Thomas Mount.

(4) Per contra, Mr.P.T.Ramkumar, learned Standing counsel appearing for the respondents invited the attention of this Court to the communication of the Senior Divisional Operations Manager / Chennai&PIO, Operation Branch, Chennai, / the 2nd respondent herein, dated 29.03.2019, in response to the information sought for by the petitioner under the Right to Information Act, and would submit that in the morning peak hours, 12 Car suburban trains are available upto MSB from 08.00 hours-09.30 hours with the timings indicated and that apart, slow trains and five fast locals coming from CGL/TMLP are also operated on suburban lines which comes to around 16 trains at an average of 5-6 minutes. The learned Standing counsel has also invited the attention of this Court to the order dated 03.07.2013 made in WP.No.18002/2013 [M.Senthamizh Selvan Vs. The Union of India, Ministry of Railways, New Delhi and 2 others] and would submit that the prayer made in the said writ petition was to direct the respondents therein to operate 12 CAR EMU train [morning 7.05 and 7.50 trains only] from Thirumalpur to Chennai Beach via., Kanchipuram, Walajabad, Palur, Chengalpet, Tambaram, Guindy, Egmore, Chennai Beach by considering the petitioner's representation dated 12.01.2012 and a Division Bench of this Court, after taking note of the judgment of the Hon'ble Supreme Court of India reported in 2011 [13] SCC 167 [Union of India and Others V. J.D.Suryavanshi], had taken into consideration the observations made by the Hon'ble Apex Court in the above cited decision that 'the Court should not interfere in the matters of Policy or in the day-to-day functioning of any Departments of Governments or statutory bodies. Even within the executive, the need for separation of roles has been voiced' and observed that 'it is not within the domain of this Court as to how many coaches to be attached, what types of coaches are to be attached, on which lines what train should run, what should be their timings and frequency are all matters to be decided by the Railway Administration

using administrative, social and other considerations'' and hence, prays for dismissal of this writ petition.

(5) This Court has carefully considered the rival submissions and also perused the materials placed before it.

(6) The petitioner, in effect, wants this Court to issue a positive direction by directing the Railway Administration to run cut-service between Chennai Beach and St. Thomas Mount and would plead that during office hours, there used to be very rush and therefore, the passengers are unable to board and de-board the trains. In the considered opinion of the Court, on account of the population explosion and the habit developed among the public to use the public transport, the present situation has arose and in the light of the above cited communication of the Railway Administration dated 29.03.2019, the issues are also addressed in proper perspective.

(7) As regards the grievance expressed by the petitioner as to the improper timings of trains run between Chennai Beach and Tambaram, especially, during peak hours, the learned Standing counsel appearing for the respondents undertakes that the said issue would be addressed immediately.

(8) In the considered opinion of the Court, this Court, in exercise of its Special Original Jurisdiction, under Article 226 of the Constitution of India, cannot issue a positive direction as to the manner in which the train services are to be run by the Railway Administration and the above cited order dated 03.07.2013 made in WP.No.18002/2013 also holds so.

(9) In the result, the writ petition stands dismissed and however, as to the maintenance of the timings, especially, during peak hours, the respondents are directed to address the said issue and send their response to the petitioner as expeditiously as possible. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

AP

To

1.The General Manager
Southern Railway Office
Chennai 600 003.

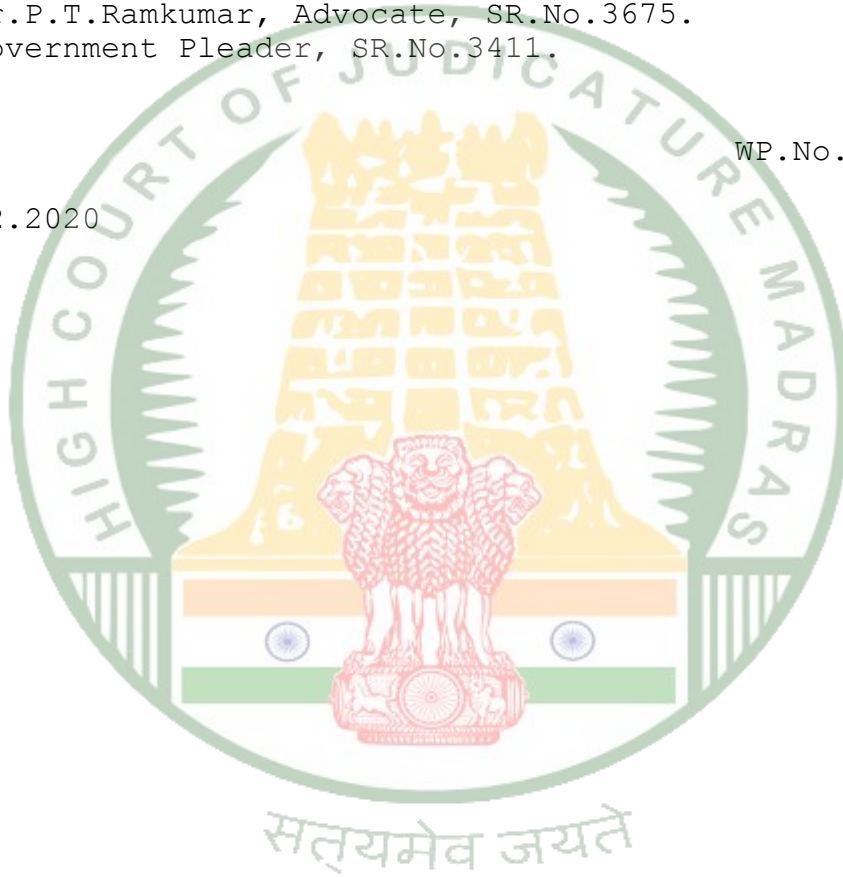
2.The Senior Divisional Operations
Manager/Chennai & PIO/Operation Branch
Chennai Division, Transportation Branch
Chennai 600 003.

+1cc to Mr.P.T.Ramkumar, Advocate, SR.No.3675.

+1cc to Government Pleader, SR.No.3411.

WP.No.868 of 2020

RR(CO)
CSR: 18.02.2020



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