



W.P.No.32954 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32954 of 2018

S.Keerthi Bhavani

.. Petitioner

Vs.

1. Union of India
rep. by the Secretary
Ministry of Railway
Rail Bhavan
Rafi Marg
New Delhi.

2. The General Manager
O/o. The General Manager
Southern Railway
Head Quarters
Park Town, Chennai.

3. The Divisional Railway Manager
Trichy Division, Trichy.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to restore the



W.P.No.32954 of 2018

previous service rendered at Malliyam Railway Station to the public by reopening the railway service in Malliyam Railway Station.

For the Petitioner : No appearance

For the Respondents : Mr.P.T.Ram Kumar

ORDER

(Made by the Hon'ble Chief Justice)

None appears for the petitioner. We have heard Mr.P.T.Ram Kumar, learned counsel appearing for the respondents.

2. The present public interest litigation is filed with a prayer to restore the previous service rendered at Malliyam Railway Station to the public.

3. A counter has been filed by the respondents in the year 2019. In the counter affidavit filed by the respondents, it is suggested that on review of passengers from April 2017 to September 2017, 13 halt stations were identified as working with poor patronage and Malliyam



W.P.No.32954 of 2018

WEB COPY railway station was one of it.

4. Learned counsel for the respondents submits that within a distance of 700 meters, another railway station is functioning. Reliance is placed on the judgment of the Apex Court in the case of ***Union of India v. J.D.Suryavanshi [(2011) 13 SCC 167]***. The Apex Court, in the said case, observed thus:

"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 of Government or statutory bodies. Even within the executive, the need for separation of roles has been voiced."



W.P.No.32954 of 2018

WEB COPY

5. In the light of the above, the present writ petition is dismissed. It is for the Railway administration to take further decision as per the existing circumstances. There will be no order as to costs. Consequently, W.M.P.No.38200 of 2018 is also dismissed.

(S.V.G., CJ.)

(D.B.C., J.)

03.11.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Secretary
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O/o. The General Manager
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WEB COPY



W.P.No.32954 of 2018



WEB COPY



W.P.No.32954 of 2018

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

(kpl)

W.P.No.32954 of 2018

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