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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6081 OF 2019

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Santosh Gangaram Zujam & Anr. ... Petitioners
V/s.
Indian Railway & Ors. ... Respondents

Mr. Sachin K. Shirke with Mr. Kiran Sawant and Mr. R.R. Kanojiya for the petitioners.

Ms. Mohinee Chougule i/by Mr. Suresh Kumar for respondent Nos.1 and 3.

Mr. Rakesh Singh with Ms. Heena Shaikh i/by M.V. Kini for respondent No.2.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : SEPTEMBER 30, 2024

P.C.:

1. Heard learned counsel for the petitioners and Mr. Singh, learned counsel representing respondent No.2.
2. This petition under Article 226 of the Constitution of India essentially seeks a direction for construction of standard height platform at Bhoke Railway Station in Ratnagiri District, which falls on Mumbai-Goa broad gauge railway line in Konkan Railway Zone. It has been stated by the learned counsel for the petitioners that at the Bhoke Railway Station at present there is no raised platform as the railway station itself is currently situated at ground level and has been provided with

a rail level platform which causes a lot of difficulties not only to the passengers boarding and alighting the trains at the station, but also to the common populace living around the railway station. It is his further submission that on account of non-availability of a raised platform with standard height at the railway station, the possibility of accidents and losing human lives on account of such accidents cannot be ruled out.

3. Learned counsel for the petitioner has stated that considering the difficulties on account of non-availability of standard height platform at Bhoke Railway Station, the petitioners made a representation on 14th June 2016 which was considered by the Chief Engineer of Konkan Railway Corporation Limited who vide his letter dated 1st August 2016 rejected the prayer. He further submits that the reason given in the said letter dated 1st August 2016 for terming the rail level platform as adequate is not justified. According to the learned counsel for the petitioners, letter dated 1st August 2016 only states that Bhoke Railway Station is categorized as 'E' class railway station, and accordingly it is provided with a rail level platform. The letter further states that average number of passengers being dealt with at the railway station per day is thirteen and sale of current tickets is eight per day, which amounts to earning per day of Rs.864/-. The letter also gives the figure of annual passenger earning which is about Rs.3.16 lakh. It has been argued by the learned counsel for the petitioners that annual passenger earning at a particular railway station cannot be said to be a reasonable criteria for taking a decision as to whether railway station needs a rail level platform or a platform with standard height.

4. Our attention has been drawn by the learned counsel for the petitioners to reply dated 6th December 2017 given by the Public Information Officer of the Konkan Railway Corporation, according to which, though Ucchi Railway Station is also categorized as 'E' class; however, at that railway station, under the directions issued by the Railway Board platform has been constructed. In this view, the submission is that there is no reason why standard height platform at Bhoke Railway Station may not be constructed.

5. Opposing the writ petition, an affidavit-in-reply has been filed by the respondent No.2-Corporation stating therein that Bhoke Railway Station is classified under class 'E' and accordingly it has been provided with a rail level platform. On the basis of the averments made in the said affidavit-in-reply filed by respondent No.2, it has been argued by the learned counsel representing respondent-Corporation that in the year 2022-23, the average number of passengers dealt with at Bhoke Railway Station was nine and earning per day at the said station was Rs.1,005/- and accordingly annual passenger earnings at was only Rs.3.66 lakh. It is also stated by the learned counsel for respondent No.2 that the funds required to build a high level platform would cost substantially more as compared to a small number of persons using the Bhoke Railway Station and the revenue generated at the station. It is also the submission of the learned counsel for respondent No.2 that as per the guidelines issued by the Railway Board contained in its letter dated 9th April 2018 Bhoke Railway Station is classified as NSG-6 class station and such classification is based on annual earning from the railway

station concerned. Accordingly, railway station having an earning of less than Rs.1 crore annually are categorized in NSG-6 category. He has also drawn our attention to paragraph 3 of the guidelines issued by the Railway Board vide its letter dated 9th April 2018 which provides for minimum essential amenities, according to which, foot over bridge and high level platform are included in the minimum essential amenities on broad gauge railway station. However, priority will be accorded to the higher category station over lower category station while sanctioning and executing the work of raising the height of platform.

6. When we peruse the submissions made in the affidavit-in-reply filed by respondent No.2, what we find is that the Railway Board circular dated 9th April 2018 itself provides that the high level platform which is a minimum essential amenity is to be provided for all categories of stations on broad gauge. Accordingly, the guidelines itself permit construction of high level platform at all railway stations irrespective of its category with the only condition that the railway station should be on a broad gauge railway line. Thus, there does not appear to be any impediment in providing the high level platform on a railway station categorized as 'E' class railway station.

7. We have also noticed from perusal of the chart enclosed as Exhibit-A with the affidavit-in-reply filed by respondent No.2 that there are at least two railway stations, namely, Diwan Khavati and Kalambani Budruk where the annual earning is less than Rs.1 crore; however, high level platform

has been provided at the said stations. In the reply given to the petitioner under the Right to Information Act, 2005 vide letter dated 6th December 2017, it has been admitted that at Ucchi Railway Station as well platform has been constructed under the instructions of the Railway Board. The reply also admits that even Ucchi Railway Station has been categorized as 'E' category railway station.

8. For the aforesaid reasons, we do not find any impediment in construction of the platform at Bhoke Railway Station with standard height. Further we may also note that only revenue being generated by sale of passenger tickets at a particular railway station cannot be said to be a rational and reasonable criteria for deciding as to whether the railway station needs rail level platform or a platform with standard height. Such a criteria is not relatable to the need of a platform at a railway station with standard height; rather the criteria should be the need of such a platform with standard height for ensuring safety not only of the passengers boarding and alighting the trains at a particular railway station but also the safety of population living around the railway station.

9. In view of the aforesaid, we do not find ourselves in agreement with the reasons given by the respondents for not constructing a standard height platform at the Bhoke Railway Station.

10. Accordingly, this writ petition is finally disposed of with a direction to the appropriate authority of the respondent No.2 to consider and take a final decision based on relevant criteria

for constructing a standard height platform at Bhoke Railway Station. The said decision shall be taken by the appropriate authority within two months from the date a copy of this order is produced before the authority concerned, and, in case it is decided to construct the standard height platform at Bhoke Railway Station, the construction shall also commence and be completed at the earliest.

11. The writ petition accordingly stands finally disposed of.

12. However, there will be no order as to costs.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)