

(1998) 10 KL CK 0003
In the High Court Of Kerala
Case No : O.P. No. 18545 of 1998

Ernakulam North Development Co-ordination Council

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 24-10-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1999 Ker 131

Hon'ble Judges : J.B. Koshy, J

Bench : Single Bench

Advocate : M.R. Rajendran Nair and M.R. Sudheendran, for the Appellant; M.C. Cherian for Respondent Nos. 1, 2 and 3, for the Respondent

Judgement

J.B. Koshy, J.—Petitioner is a society registered under the Travancore Cochin Literacy Scientific and Charitable Societies Registration Act, 1955 with the objects of comprehensive development of Ernakulam North Railway Station and improving the facilities and safety measures of passengers. According to the Petitioner Trivandrum-New Delhi Express via. Ernakulam Junction should stop at Ernakulam Town Station.

2. It is stated in the counter affidavit that considering the operational efficiency and saving of time by twenty minutes it was decided to cancel stop at Ernakulam Junction and to reroute the train K. K. Express through Ernakulam Town Station with a stop therein. But thereafter, considering the various representations including representations from various Parliament Members and representations from Island area etc. and considering the convenience of general public, it was re-decided that original stop at Ernakulam Junction will be maintained. For the convenience of those persons who were made advance booking, a temporary stoppage at Ernakulam Town from August 5, 1998 to September 26, 1998 was allowed to facilitate the passengers who have reserved their journey from Ernakulam Town. It is not disputed that there was no stoppage for this long distance K.K. Express Train (Trivandrum New Delhi Express) at Ernakulam Town

from the initial stage itself but for the temporary period and distance between Town Station and Junction is only below three kilometers.

3. Where a train should be stopped or where a train should not be stopped is not a matter to be decided by this Court in the writ jurisdiction. That is a policy decision to be decided by the Railways considering the convenience of the general public in its totality, long distance passengers, Government Policy etc. If the Petitioner feels that it is necessary to reroute the train by-passing Ernakulam Junction with a stop at Ernakulam Town or there should be an additional stop at Ernakulam Town Station, it can make a representation to the Railways. In a proceeding under Article 226 of the Constitution of India this Court cannot direct the Railways to stop a particular train in a particular railway station. Specific reliefs asked for in the original petition are:

(i) Call for the records relating to this case, and to declare that the decision of the Respondents to reroute the Trivandrum-New Delhi Express via. Ernakulam Junction is illegal.

(ii) Issue a writ of Mandamus or other appropriate writ, order or direction commanding the Respondents to implement the decision to route Kerala Express via. Ernakulam Town North stations as evidenced by Ext. P 1.

(iii) To direct the Respondents to continue stopping of Kerala Express at Ernakulam Town North station pending a final decision regarding the routing of the train.

None of these reliefs can be granted by this Court in a civil proceeding. It is for the Petitioner to pursue Ext. P3 representation before the authorities.

With the above observations, the original petition is disposed of.