

(1999) 02 KL CK 0054
In the High Court Of Kerala
Case No : W.A. No. 79 of 1999

Ernakulam North Devlp. Co-ordination Council

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 23-02-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 1 KLJ 579

Hon'ble Judges : K. Narayana Kurup, J;A.R. Lakshmanan, J

Bench : Division Bench

Advocate : M.R. Rajendran Nair, for the Appellant; M.C. Cherian, for the Respondent

Final Decision : Dismissed

Judgement

A.R. Lakshmanan, J.—Heard counsel for the appellant. The Original Petition has been filed as a public interest litigation to declare that the decision of the respondents to reroute the Trivandrum-New Delhi Express via Ernakulam junction is illegal and for a mandamus or appropriate writ or direction commanding the respondents to implement the decision to route Kerala Express via Ernakulam Town North station and to further direct the respondents to continue stopping of Kerala Express at Ernakulam Town North station pending final decision. We have heard Learned Counsel for the appellant at length and also counsel for the railways. Original Petition pertains to question as to whether the Kerala Express Train is to be stopped at Ernakulam Junction Station or Ernakulam Town Station. Petitioner states that he is a resident nearby Ernakulam Town Station and having an establishment there wants to have the stoppage of the train to be shifted from Ernakulam junction station to Ernakulam Town station and it is for that purpose he has filed this petition. We have gone through the entire pleadings and also the counter affidavit filed by the railways. It is contended on behalf of the appellant that the passenger convenience is better served by routing the Kerala Express at Ernakulam Town North Railway Station is

not acceptable. If the train is routed via Ernakulam town without stopping at Ernakulam South there will be a saving of 20 mts. According to the railways the savings will cause inconvenience to many passengers and hence in the interest of the travelling public originating from Ernakulam area it was decided to forego the savings of 20 mts. It is also submitted that the railways could have achieved better operational efficiency by diverting the train via Ernakulam Town itself. As rightly pointed out by Mr. M.C. Cherian, Learned Counsel for railways that this is a service meant for the travelling public and their convenience has to be given paramount importance. The contention of the appellant/petitioner that the stoppage for Ernakulam North station was allowed upto 26-9-1998 based on his representation has been denied. The Railways Passenger reservation system provides for advance reservation for a period of 60 days in advance and it also mentions the name of the intermediate station from which he can board the train. Accordingly, advance reservation was made on either side upto 26-9-98 for boarding from Ernakulam North Town Station and alighting at Ernakulam Town. In fact the temporary stoppage at Ernakulam Town from 5-8-1998 to 26-9-1998 was to facilitate the passengers who have reserved their journey from Ernakulam town and to Ernakulam town. Respondents in their counter affidavit have clearly explained all the allegations raised in the original petition.

2. We are of the opinion that the relief claimed in the Original Petition and in the appeal are all unsustainable. It is true that the routing of Kerala Express train through Ernakulam Junction causes expense and operational difficulties to the railways. It is stated that it was experimentally tried to alter it, but the decision was not implemented as it was felt that it will adversely affect the passenger's convenience which is the prime concern of the railways. By stopping the train at Ernakulam town which is just 2 kms. away from Ernakulam junction no additional benefit will accrue to any long distance passenger. In fact this will only further delay the train. It is stated by counsel for the railways that at present no reservation is made from Ernakulam town station for boarding or alighting at Ernakulam town station. Hence we are of the opinion that there is no need for stopping the train at Ernakulam town (north) station. In our view there are no grounds for invoking the extraordinary jurisdiction of this Court by the petitioner under Art. 226 of the Constitution of India. This apart it is for the railways to take a decision as to where a train should be stopped or a train should not be stopped. This is not a matter to be decided by this Court under writ jurisdiction. It is settled law that policy decisions are to be decided by the authorities concerned considering the convenience of the general public in its totality, long distance passengers, government policy etc. We are therefore of the view that the prayer made in the writ petition and in the writ appeal are not liable to be granted. The judgment of the learned single Judge is confirmed. Writ Appeal fails and is dismissed. No costs.