

(1986) 03 BOM CK 0035

In the Bombay High Court

Case No : Writ Petition No. 1007 of 1985

Ramanathsekhar and Another

APPELLANT

Vs

Pandho Paddhaya and Others

RESPONDENT

Date of Decision : 07-03-1986

Acts Referred:

Constitution of India, 1950 — Article 226
Railways Act, 1890 — Section 47(1)

Citation : AIR 1987 Bom 98 : (1986) 2 BomCR 60

Hon'ble Judges : Pendse, J

Bench : Single Bench

Advocate : T.S. Tijoriwala, for the Appellant; G.K. Neelkanth and R.C. Master, for the Respondent

Judgement

1. This petition has been filed by socially conscious Advocates practising in the Co-operative Courts, making grievance about the action of the Railways, and which seriously affect the commuting passengers on the Suburban service. It is well known that large number of passengers are required to travel on the suburban service of the Central Railway and the service extends from Victoria Terminus up to Diwa Station. The passengers who travel by this train leave their house early in the morning to reach their offices situated at the extreme south of the city and return back late in the evening. The passengers include large number of women and also children attending the schools and colleges. The complaint of the petitioners is that initially the passengers had the facility of using toilets and urinals situated at the Railway Stations, but the Railways have started demolishing large number of these toilets and urinals causing grave hardship to the passengers. The petitioners also claim that the Railways do not take any steps to keep these toilets and urinals clean, but permit people who are residing outside the Railway Stations to use it even though they are not genuine passengers. The petitioners also made a grievance that the action of the Railways in charging the passengers for use of the facilities at the two Railway Stations, Victoria Terminus and Dadar is illegal. The petitioners also made some

other grievances in respect of these facilities, but it is not necessary to set out those grievances in detail.

2. The petition was heard on February 7, 1986 and after hearing Shri Tijoriwals, learned counsel for the petitioners, and Shri Neel kanth, learned counsel for the Railways, I felt that it would not be proper for the Railways to deprive these basic facilities to the passengers. Shri Neelkanth pointed out that the Railways had taken this decision because the trespassers were using these facilities to the detriment of bona fide passengers and the passengers association has suggested demolition of urinals and toilets on the railway platforms in the meeting held with the railway Officers. It is well known that the people residing in hutment or on the streets outside the railway stations use these facilities in absence of proper facilities made available to them by the Corporation, but the mere fact that the facilities are misused by the Trespassers is no ground to deprive the genuine and bona fide passengers from these basic requirements. One can very well imagine what would be the plight oflarge number of passengers travelling on these railways if they cannot answer the call of nature for the whole day for absence of the proper facilities. The action of the Railways in demolishing the toilets and urinals is nothing short of a desperate act because of its inability to prevent the trespassers from using it.

3. In these circumstances I suggested to Shri Neelkanth that the Railways should give the facilities of toilets and urinals to the suburban passengers by providing with requisite number of toilets and urinals at each railway platform. I inquired from Shri Neelkanth whether it would not be reasonable if some charges are levied for use of these facilities as that would generate employment to large number of poor people and it would also enable the Railways to provide clean toilets and urinals which the passengers would very well appreciate. Shri Neelkanth, with his usual fairness" stated that he entirely agrees with the suggestion and would convey it to the Railway Officials and reasonable time should be granted to secure instruction. Accordingly, the petition was adjourned on more than one occasion and to-day Shri Neelkanth informs me that the Railway authorities also appreciated the suggestion but desired that the Court should pass the order.

4. Shri Tijoriwala submitted that though the petitioner had challenged the action of the Railways in levying some charges for grant of these facilities, the petitioners would have no objection if the facilities are given at each railway platform and for the use of these facilities the Railways levy some charges. In my judgment, it would do public good if the Railways maintain toilets and urinals on the suburban Railway Stations and adopts the principles of "pay and use".

5. Accordingly, the respondents are directed to provide toilets and urinals facilities at each railway station situated between Victoria Terminus and Diwa Station by employing the pay and use system. The Railway Authorities should implement this direct as expeditiously as possible. The Railway Authorities shall ensure that the toilet and urinals facilities would be maintained in good shape

and would be kept clean. In the circumstances of the case, there will be no order as to costs.

6. Petition allowed.