

(2002) 08 SC CK 0109

In the Supreme Court Of India

Case No : Civil Appeal No. 5586 of 1993

Union of India (UOI) and Others

APPELLANT

Vs

Nagesh and Another

RESPONDENT

Date of Decision : 27-08-2002

Acts Referred:

Citation : (2002) 7 SCC 735

Hon'ble Judges : V. N. Khare, J;Shivaraj V. Patil, J;Ashok Bhan, J

Bench : Full Bench

Final Decision : Allowed

Judgement

V.N. Khare J.-The respondents herein filed a petition under Article 226 before the High Court of Madhya Pradesh for direction to the appellants herein to reschedule the timings of Awantika Super Fast Express so as to reach Bombay Central Railway Station around 8.00 a.m. in the morning. The High Court, while allowing the writ petition, issued a direction to the appellants herein to ensure that Awantika Super Fast Express reaches Bombay Central Railway Station around 8.00 a.m. in the morning. A further direction was also given to the appellants herein for change in the terminus of Awantika Super Fast Express within one month.

2. After we heard the matter, we are of the view that such a direction could not have been issued by the High Court to the appellants herein in a petition under Article 226 of the Constitution. What would be the scheduled timings for a train for its departure and arrival is an administrative decision keeping in view the larger public interest or public convenience and not the convenience of the public of a particular town. Such a decision is within the exclusive administrative domain of the Railways and is not liable to be interfered with in a petition filed under Article 226 of the Constitution. In that view of the matter, the appeal deserves to be allowed and the order under challenge is set aside. Since nobody has appeared on behalf of the respondents, there shall be no order as to costs.