

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 8852/2011

UNION OF INDIA & ORS.

Appellants

VERSUS

HIGH COURT BAR ASSOCIATION OF UTTARANCHAL

Respondent

O R D E R

The writ petition filed by the High Court Bar Association of Uttaranchal/Uttarakhand had the following prayers:-

"i. issue writ, order or direction in the nature of mandamus by commanding the respondents to reschedule the departure time of train No. 4319 named Kathgodam Dehradun Express from Kathgodam preferably at 10:40 p.m. (22:40).

ii. issue writ, order or direction in the nature of mandamus by commanding the respondents to introduce a train between Kathgodam to Varanasi vis Sultanpur/Badlipur or in the alternative the train No. 136 Bareilly to Varanasi Passenger starting from Bareilly be started from Kathgodam and train No. 135 Varanasi-Bareilly Passenger up to Bareilly be run up to Kathgodam."

Learned Additional Solicitor General of India submits that under compelling circumstances, an affidavit was filed on behalf of the Indian Railways before the High Court to the effect that necessary orders would be passed in the matter of timing of the train in question (first prayer) and also steps will be taken to provide the new service (second prayer). On the basis of the said affidavit, the High Court had closed the P.I.L. Aggrieved, this appeal has been filed.

Taking note of the prayers made in the P.I.L. (extracted above) and the manner in which the matter has proceeded and the P.I.L. closed in terms of the affidavit filed by the Railways, we are of the view that the High Court has clearly exceeded its jurisdiction in the matter. It is our considered view that matters of train timings and providing new train connectivity between two locations are essentially matters of policy, to be decided by the competent authority on a consideration of host of relevant facts and circumstances and further that such matters are not appropriate for adjudication in a P.I.L.¹.

We, therefore, set aside the order of the High Court closing the P.I.L. in terms of the affidavit filed by the Indian Railways, details of which have been stated above. The appeal is consequently allowed in the aforesaid terms.

We would also like to add that in the event the Railways consider it feasible, necessary and expedient to make any change in timings or providing new connectivity, as the case may be, it will be open for them to do so.

.....CJI
[Ranjan Gogoi]

.....J.
[Sanjay Kishan Kaul]

.....J.
[K.M. Joseph]

New Delhi;
December 4, 2018.

1. *UOI & Ors. v. Nagesh & Anr.*, (2002) 7 SCC 603 and *UOI & Ors. v. J.D. Suryavanshi*, (2011) 13 SCC 167

ITEM NO.114

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Date : 04-12-2018 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellants

Mr. Vikramjit Banerjee, ASG
Ms. Kiran Bhardwaj, Adv.
Mr. Nachiketa Joshi, Adv.
Ms. Sushma Verma, Adv.
Ms. Anandita Barman, Adv.
Mr. Arun Yadav, Adv.
Mr. Raj Bahadur, Adv.
Mr. Vaibhav Kharbanda, Adv.
Mrs. Anil Katiyar, AOR

For Respondent

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

Pending interlocutory applications, if any, shall stand disposed of.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master

(signed order is placed on the file)