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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.6756 of 2021

B.Ramkumar Adityan

.. Petitioner

-vs-

1.The Chairman,  
Railway Board,  
Indian Railways, Rail Bhawan,  
Rafi Marg, New Delhi - 110 001.

2.The Chief Secretary,  
Government of Tamil Nadu,  
Chennai - 600 009.

3.The General Manager,  
Southern Railway,  
Poonamallee High Road,  
Park Town,  
Chennai - 600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent Nos.1 and 3 to resume all Regular Passenger Trains and Sub Urban Trains throughout Tamil Nadu for all passengers.

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For Petitioner : Mr.S.Sankar

For Respondent : Mr.P.T.Ramkumar  
Standing Counsel  
for respondent Nos.1 and 3

Mr.G.K.Muthukumar  
Spl. Government Pleader  
for respondent No.2

**ORDER**

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has instituted the present public interest litigation seeking a direction for regular passenger trains and suburban services to be resumed.

2. The petitioner may not have noticed that over the last week or so, the number of positive cases has gone up in the country. Though the situation in this State may not be as alarming as in some of the neighbouring States, the number of positive cases now is about the figure which was in end-December or early-January last.

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3. Indeed, in view of the increasing number of positive cases, the full re-opening of the Court that had been planned has been rolled back and physical hearings are not yet conducted in Court except in respect of urgent matters.

4. Since distancing protocol may not be possible to be maintained once suburban railways and passenger trains are resumed all over and the crowding at the railway stations cannot be avoided, no immediate direction need to be given.

5. In any event, it is for the railway authorities to obtain expert advise before deciding how and to what extent the railways would be re-opened for travel. Courts do not have the requisite expertise to decide on such matters, though the Courts can go into the general conduct whether the same is reasonable or arbitrary. The situation is not right for the petitioner's prayer to be entertained at this moment. Once the vaccination reaches near completion and the number of positive cases show the previous downward trend that continued till the beginning of this month, the petitioner may renew the prayer. As of now, the Court will refrain from adding to the confusion or the

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problems faced by the increasing number of Covid cases in the country to recklessly direct regular train services to be resumed, whether on the longer sectors or in respect of the suburban services.

6. W.P.No.6756 of 2021 is disposed of. There will be no order as to costs.

(S.B., CJ.) (S.K.R., J.)  
16.03.2021

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To:

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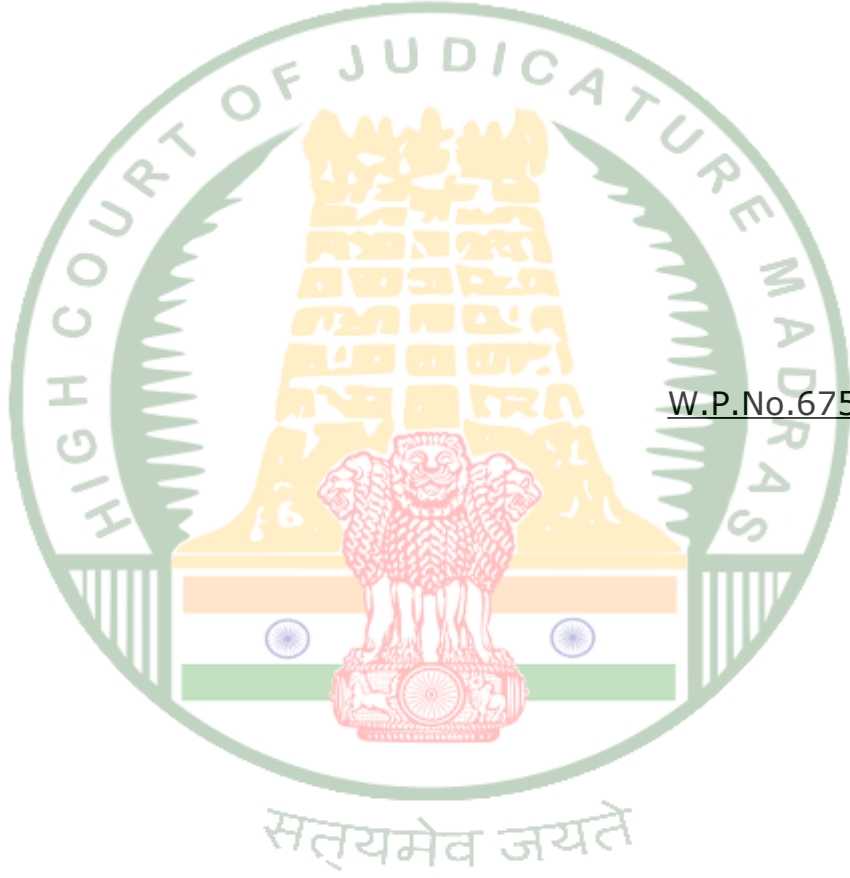
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THE HON'BLE CHIEF JUSTICE  
AND  
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