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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.75 OF 2024

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RAMESH
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VAIBHAV RAMESH
JADHAV
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Yatin Jadhav

... Petitioner

V/s.

Union of India,
through the Secretary, Ministry of
Railways & Ors.

... Respondents

Mr. Rohan Shah with Ms. Surabhi Prabhudesai with Mr. Mohd. Anajwalla, Ms. Zohra Padmasee and Mr. Akshat Tiwari i/by Vashi and Vashi for the petitioner.

Mr. Suresh Kumar for respondent Nos.1 and 2.

Ms. Anamika Malhotra for respondent No.3.

Mr. P. P. Kakade, G.P. with Mr. O. A. Chandurkar, Addl. G.P. and Ms. G. R. Raghuwanshi, A.G.P. for respondent No.4.

Ms. Oorja Dhond with Mr. Pradeep Patil i/by Mr. S. K. Sonawane for respondent No.5.

Mr. Siddharth Pitale h/f Mr. Ajit Pitale for respondent No.6

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : JUNE 26, 2024

P.C.:

1. Heard Mr. Rohan Shah, learned counsel, assisted by Ms. Surabhi Prabhudesai for the petitioner.

2. Issue notice to the respondents, returnable on **28 August 2024.**

3. Mr. Suresh Kumar, learned advocate, has put in appearance on behalf of respondent Nos.1 and 2 and waives service of notice. Ms. Anamika Malhotra, learned counsel, has put in appearance on behalf of respondent No.3 and waives service of notice. Mr. Kakade, learned Government Pleader, has put in appearance on behalf of respondent No.4 and waives service of notice. Ms. Oorja Dhond, learned counsel, has put in appearance on behalf of respondent No.5 and waives service of notice. Mr. Siddharth Pitale, learned counsel, has put in appearance on behalf of respondent No.6 and waives service of notice.

4. Mumbai Suburban Railway System is said to be the second busiest such system globally after Tokyo, however, the fatalities occurring amongst the commuters using this railway system raises a concern on account of its high rate.

5. By instituting the instant Public Interest Litigation Petition (hereafter referred to as "PIL Petition") concerns about the causes and reasons for such high fatalities resulting in loss of valuable human lives has been expressed and highlighted. As per the estimate based on the study conducted by the petitioner, in Mumbai Suburban Railway System every year number of deaths occurring are more than two thousand. Some details about such deaths, which occurred in the year 2023, have been given in the PIL Petition, which according to the learned advocate for the

petitioner is based on the study undertaken by the petitioner on the basis of newspaper reports and certain other sources, including the railway sources. The PIL Petition also highlights the possible causes and reasons for said high rate of human fatalities and also makes suggestions to salvage the situation.

6. The Petition, *inter alia*, draws our attention to the fact that there has been though phenomenal growth in the number of passengers/commuters using the Suburban Railway System in Mumbai in past few years, however, the infrastructure remains the same which has not grown commensurate to the rate of growth of number of passengers/commuters. It is also highlighted in the PIL Petition that, at many instances, the causes of such high rate of fatalities though can be attributed to inadequate infrastructure and measures to be adopted by the Railway Administration, however, deaths in many such situations are disowned by the Railway Administration by terming them to be deaths caused on account of "untoward incidents". The PIL Petition also underscores the need of not only adopting innovative technological tools to check such high rate of human deaths but also emphasizes the need of upgrading the infrastructure available on the railway stations on the entire Mumbai Suburban Railway System, which admittedly are very old and some of them have even lived their lives.

7. It is almost a daily affair that newspaper reports carry reports of deaths of human beings falling from running train or being hit by a moving train while crossing the railway track on the railway station itself and getting killed. There are

various other causes which have been mentioned in the PIL Petition.

8. The issue raised in this PIL Petition needs urgent attention by all concerned, especially, the authorities at the higher level of the Railway Administration, including the member concern in the Railway Board and the Principal Chief Safety Commissioner in respect Zonal Railways, namely, Western Railways and Central Railways and their General Managers.

9. We, thus, call upon the General Managers of the Western Railways and the Central Railways to look into the entire issues as raised in the PIL Petition and file affidavits-in-reply which shall be sworn in by some higher level officer to be nominated by the General Managers. The affidavits-in-reply to be filed under this order on behalf of the Western Railways and the Central Railways shall be personally vetted by the General Managers themselves.

10. While filing the affidavits-in-reply, it is not only that the respondents shall reply to the paragraph wise averments made in the PIL Petition but shall also indicate the measures which are available and in force to check such mishaps.

11. Once the affidavits-in-reply by the respondents are filed in the Court, the Court may consider setting up of a Committee or a Commission/Body of experts to conduct a high level study to suggest measures to be enforced and implemented for meeting the challenges caused by daily occurrence of such deaths of commuters/passengers in the

entire Mumbai Suburban Railway System. The Affidavits-in-reply by the respondents shall be filed within six weeks. Two weeks' time thereafter shall be available to the petitioner to file rejoinder affidavit, if any.

12. We expect that the present PIL petition shall not be viewed as adversarial litigation and that the railway administration and all concerned shall co-operate with the proceedings of this matter.

13. Stand over to **28 August 2024.**

14. We request the learned Additional Solicitor General Mr. Devang Vyas to assist the Court in this matter on behalf of the Union of India /Railways.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)