

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PIL-CJ-LD-VC No.33 OF 2020**

Chirag Chanani & Ors. ...Petitioners  
Versus  
Union of India & Ors. ...Respondents

**And  
PIL-CJ-LD-VC-IA No.1 OF 2020  
IN  
PIL-CJ-LD-VC No.33 OF 2020**

Sagar Sahani ...Applicant  
In the matter between  
Chirag Chanani & Ors. ...Petitioners  
Versus  
Union of India & Ors. ...Respondents

**And  
PIL-CJ-LD-VC-IA No.2 OF 2020  
IN  
PIL-CJ-LD-VC No.33 OF 2020**

Nitin Bagonda Patil ...Applicant  
In the matter between  
Chirag Chanani & Ors. ...Petitioners  
Versus  
Union of India & Ors. ...Respondents

**And  
PIL-CJ-LD-VC-IA No.3 OF 2020  
IN  
PIL-CJ-LD-VC No.33 OF 2020**

Chirag Chanani & Ors. ...Applicants  
In the matter between  
Chirag Chanani & Ors. ...Petitioners  
Versus  
Union of India & Ors. ...Respondents

**And**

**PIL-CJ-LD-VC-IA No.5 OF 2020  
IN  
PIL-CJ-LD-VC No.33 OF 2020**

Ashley David Cusher ...Applicant  
In the matter between  
Chirag Chanani & Ors. ...Petitioners  
Versus  
Union of India & Ors. ...Respondents

**And  
PIL-CJ-LD-VC-IA No.6 OF 2020  
IN  
PIL-CJ-LD-VC No.33 OF 2020**

Venkatesh C. Kyathan ...Applicant  
In the matter between  
Chirag Chanani & Ors. ...Petitioners  
Versus  
Union of India & Ors. ...Respondents

**And  
PIL (L.) No.3784 OF 2020**

Bar Council of Maharashtra & Goa ...Petitioner  
Versus  
The Union of India & Ors. ...Respondents

**And  
CIVIL WP-AS-DB-LD-VC No.157 OF 2020**

Priyatosh R. Tiwari ...Petitioner  
Versus  
The State of Maharashtra ...Respondent

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Dr.Milind Sathye, Senior Advocate with Mr.Prasad Dhakephalkar, Senior Advocate with Dr.Uday Warunjikar i/b. Sumit Kate, for the Petitioner in PIL (L) no.3784/2020.

Mr.Shyam Dewani with Ms.Heena Kapoor and Ms.Bhoomi Kandrap T. i/b.Dewani Associates for Petitioners in PIL-CJ.LD.VC-33/2020.

Mr.Anil Singh, ASG with Mr.Sandesh Patil and Mr.T.J.Pandian, Mr.D.P.Singh, for Respondent No.1-UOI.

Mr.A.A. Kumbhakoni, A.G., with Ms.Purnima Kantharia, GP, with Ms.Jyoti Chavan, AGP for State.

Mr.Parth Zaveri for Applicants in PIL-CJ-LD-VC-IA No.1/20.

Mr.Uday Warunjikar, for the Applicant in IA 2/20.

Mr.Ashley David Cushar for Applicants in PIL-CJ-LD-VC-IA No.5/20.

Mr.Abhay Anturkar with Ranjit Shinde i/b. Ajinkya Udhane, for Applicant in IA 6/20.

Mr.A.M.Saraogi, for the Petitioner in WP AS DB LD VC 157/2020.

Mr.P.P.Kakade, Govt.Pleader with Smt.Nisha Mehta, for Respondent-State in WP AS DB LD VC 157/2020.

Ms.K.H.Mastakar, for Respondent-MCGM.

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**CORAM : DIPANKAR DATTA CJ &  
G.S.KULKARNI, J.**

**DATED : OCTOBER 7, 2020.**

**P.C. :**

1. We are in the midst of hearing a batch of PIL petitions and a writ petition, at the instance of the Bar Council of Maharashtra and Goa, members of the bar, etc., wherein the concern expressed is common, i.e., the members of the legal profession and their registered clerks should be included

in the category of providers of “essential services” and therefore, entitled to travel by the suburban local trains operated by the Central Railway and the Western Railway.

2. Mr. Singh, learned Additional Solicitor General appearing for the Union of India has placed before us today a chart showing the number of suburban EMUs operated by both the Central Railway and the Western Railway prior to imposition of the lock-down as well as between June, 2020 and October 1, 2020.

3. We have noticed a gradual increase in the number of services right from June 2020 onwards. The figures as on October 1, 2020 suggest that the Central Railway has been operating 431 services out of 1774 services, which it was operating before the lock-down; similarly, the Western Railway has been operating 512 services out of 1367 services which it operated before the lock-down. We are informed that although the number of services now operational on the Harbour line of the Central Railway are not separately indicated but the same are included in the number of services operated by the Central Railway, as noted above.

4. In course of hearing, we have made it clear to the parties that not only the concern expressed by the members of the legal profession and their registered clerks to allow them avail of the local train services operated by the Central Railway and the Western Railway would be considered but the scope of the PIL petitions needs to be expanded to cover personnel/staff of other sectors too, who would also be similarly interested in availing such services. While the State is in the phase of “Unlock 5 – Mission Begin Again”, the concern expressed in these petitions ought to be addressed bearing in mind the hardships and inconvenience faced by one and all and not necessarily restricted to the needs of the members of the legal profession.

5. In our considered prima facie view, increase in the frequency of local train services by the Railways could be seen as a reasonable step to cater to the needs of all others who normally travel by train and to ameliorate the grievance of a large cross section of the public, subject to the condition of requiring all commuters to maintain the prescribed distancing norms. We record Mr. Singh’s statement that if a

proposal from the State Government is received for increasing the frequency of local train services, the same would be favourably considered.

6. With that in view, we have requested Ms. Kantharia, learned Government Pleader appearing for the State to obtain instructions, particularly in view of the aforesaid submission of Mr. Singh, as to whether the State would propose to the Railways for increasing the number of local train services to the extent of at least 700 daily services by both the Western Railway and the Central Railway from the present 512 and 431 services, respectively, being operated by them, with proportionate increase for the Harbour line. Although Ms. Kantharia by referring to video clips has sought to impress upon us that social distancing norms are not being maintained by the commuters who are allowed to travel and that there has been large scale fraudulent activities for availing the local train services by unscrupulous elements, and therefore, it may not be advisable to increase the frequency as suggested by the Court, we are not impressed. The State has gradually decided to open up more and more facilities like hotels,

restaurants, malls, offices in the private sector, etc. and thus there ought to be a corresponding review of the situation with regard to operation of local train services and increase in its frequency. Overcrowding of the local trains, as evident from the video clip, to a substantial extent could be taken care of if more such trains are allowed to be operated. We hope and trust that the State shall respond to the suggestion for considering the desirability of proposing to the Railways for increase in the frequency of the local train services and appropriately instruct Ms. Kantharia for further submissions to be advanced by her on Friday (October 9, 2020), when we propose to assemble at 11 a.m. for hearing this batch of petitions.

7. We also require the Bar Associations of each of the Courts at Mumbai, Thane, Raigad and Palghar to inform us the approximate number of members of the legal profession and their registered clerks who would be willing to attend proceedings before the judicial fora physically, should the Government agree to increase the frequency of local train services. Let such information be placed before us also by Friday (October 9, 2020).

8. Subject to the information that is made available, we may also direct the Court on the administrative side to consider the desirability of fixing separate timings for separate courts depending on the facilities available for travel as well as the number of members of legal profession and their clerks interested to participate in the proceedings, physically.

9. The interim arrangement ordered on September 15, 2020 shall continue till the end of October, 2020, or until further order, whichever is earlier.

10. This order will be digitally signed by the Private Assistant of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

**G.S.KULKARNI, J.**

**CHIEF JUSTICE**