



W.P.(MD) No.14333 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.14333 of 2023

S.Devaraj

... Petitioner

-VS-

1. The District Collector,
Collectorate Campus, Madurai,
Madurai District.
2. The Divisional Engineer,
O/o. the Divisional Railway Office,
Southern Railway, Madurai 16.
3. The Divisional Manager,
O/o. the Divisional Railway Office,
Madurai Division, Southern Railway,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to allow the existing Railway Level



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Crossing Gate No.L.C.17KM19/2-3 in Madurai to Bodinayakanoor railway track situated at P.Meenakshipatti Village, Chellampatti Union, Usilampatti Taluk, Madurai District for public usage by considering the petitioners representation dated 27.02.2023 within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Nawaz Khan

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1

Mr.K.Govindarajan
DSGI for R2 and R3

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the first respondent and Mr.K.Govindarajan, learned Deputy Solicitor General of India takes notice for the respondents 2 and 3.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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3. The prayer in the writ petition reads as follows:-

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a WRIT OF Mandamus directing the respondents to allow the existing Railway Level Crossing Gate No.L.C.17KM19/2-3 in Madurai to Bodinayakanoor railway track situated at P.Meenakshipatti Village, Chellampatti Union, Usilampatti Taluk, Madurai District for public usage by considering the petitioners representation dated 27.02.2023 within the period that may be stipulated by this Hon'ble Court.”

4. Mr.K.Govindarajan, learned Deputy Solicitor General of India appearing for the Railways would submit that the construction of the flyover is under progress and only after completion of the construction of the flyover, the existing railway gate will be closed.

5. The learned counsel appearing for the petitioner, however, would submit that the public residing in that locality will have to travel five kilometers to reach the toe end of the flyover.



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6. This by itself cannot be a ground to direct the authorities to keep the railway gate open. Once the expansion of highways is taken up, flyovers become necessary. We can understand if the railway gate is to be closed permanently without construction of the flyover, that is not the case on hand. Hence, this writ petition stands dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

19.06.2023

NCC : No
Index : No
Internet : Yes
PKN
To:

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