

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.11.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice PUSHPA SATHYANARAYANA

Writ Petition No.36444 of 2015
and
M.P. No.1 of 2015

M.Velu

... Petitioner

Versus

The General Manager
Southern Railway
Southern Railway Head Office
Chennai

... Respondent

Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondent to dispose of the representation dated 27.10.2015 within a time frame.

For Petitioner ::: Mr.T.Sivagnanasambandan
For Respondent ::: Mr.P.T.Ramkumar
Standing Counsel for Railways

O R D E R

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

The fundamental issue is the grievance made by the petitioner on account of no foot over-bridge being provided at Annanur Railway Station and his representation made on 27.10.2014 remaining unaddressed.

2. It appears that the petitioner along with certain other persons filed a Suit before the District Munisf, Ambattur in O.S.No.1772 of 1997, seeking a permanent injunction against closing the ingress and egress being utilized by the plaintiffs therein for passage of cart track, which was crossing the railway line till such time as an over-bridge is built. This suit is stated to have been decreed on 15.03.2001. As to in what circumstances the suit was decreed, whether it was

contested or not and why the respondent did not file any appeal is not clear. Suffice to say, that we are surprised how such a decree could have been passed at all, endangering the public and prohibiting the railways from preventing crossing of railway lines.

3. As far as the foot over bridge is concerned, learned counsel for the respondent states that infact it has been sanctioned and a counter affidavit has been filed in in Public Interest Litigation - W.P.No.21882 of 2013, which is stated to be pending before this Court. There is stated to be a high voltage line of 25,000 Volts of railways, which would require shifting for construction of the over bridge and thus, the same is taking time. Learned counsel assures that the work would commence within a period of three months from today.

4. In view of the aforesaid position, there is no occasion to further entertain this writ petition which stands disposed of. No costs.

W.P.No.21882 of 2013 be listed before the Court along with a copy of this order on 25th November, 2015.

ksr

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The General Manager, Southern Railway
Southern Railway Head Office, Chennai
2. The Section Officer,
Writ Setion,
High Court, Madras.

+ 1 cc to M/s.T.Sivagnanasambandam, Advocate SR 61722

+ 1 cc to M/s.P.T.Ramkumar, Advocate SR 62112

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prk8/12

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