

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.6.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.17226 of 2016
and WM.P.No.14700 of 2016

R.K.Chellappan

...Petitioners

-Vs-

1 The District Collector
Salem District Salem-636 001.

2 The Divisional Manager
Southern Railway Divisional Office
Suramangalam Salem-636 005.

3 The Divisional Engineer
Highways Department Attur Division Attur
Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to construct a Railway Under Bridge in and over the petitioner's land in Survey No.236/2 in Ammampalayam Village Attur Taluk Salem District only after and by providing/facilitating access to the petitioner to his land in Survey No.236/2 based on the petitioner representation dated 11.3.2016.

For Petitioner : Mr.S.Sathia Chandran
For R1 & R3 : Mr.P.Sanjay Gandhi
For R2 : P.T.Ramkumar

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioners would claim that he is an agriculturist and his family is in possession of a small extent of land which was purchased through sale deeds dated 26.02.1969 and 10.05.1972. The petitioner became the successor of interest of the said property and a partition came into being in an by which the petitioner was allotted certain lands including the ones comprised in Survey Nos. 236/2(67 cents) and 237/6 (2.59 Acres) in Ammampalayam village, Attur Taluk, Salem District.

3. The petitioner would further state that in his patta land in Survey.No.236/2, a public road runs through and it is being used by villagers for more than 50 years and the petitioner is having access to the land through the public pathway. To his shock and surprise, he came to know that in the Survey.No.236/2, a proposal is there to construct a Railway Under Bridge and in that event, he will be definitely denied access to the said land. In the meantime, he made a representation dated 11.03.2016 praying for providing for access before the construction of Railway Under Bridge and since no response is forthcoming, came forward to file this writ petition.

4. Heard the submissions of Mr.Sanjay Gandhi, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 3 and Mr.P.T.Ramkumar, learned counsel, who accepts notice on behalf of 2nd respondent.

5. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the first respondent to consider and dispose of the petitioner's representation dated 11.03.2016 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. Till the disposal of the representation, the status quo with regard to the possession of the petitioner in respect of the land in question, shall be maintained.

6. This Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.
kua

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The District Collector
Salem District Salem-636 001.
- 2 The Divisional Manager
Southern Railway Divisional Office
Suramangalam Salem-636 005.

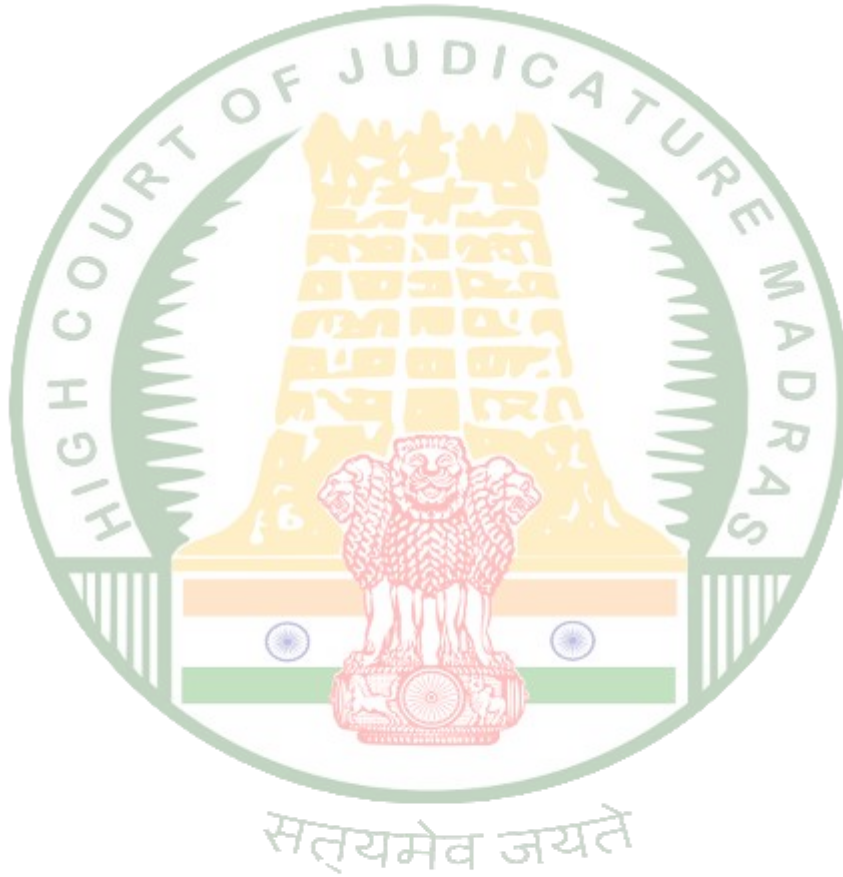
3 The Divisional Engineer
Highways Department Attur Division Attur
Salem District.

+ 1 cc to Mr.s.Sathia Chandran, Advocate, SR 29404

+ 1 cc to Govt.Pleader, High Court, Madras SR 29720

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