
—

—

1

—

—

-
-
-
-
-
-
-

ORDER:-

This writ petition is filed for the following substantive relief:

“....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent Nos.1 and 2 in proposing to construct under bridge/sub-way bridge by eliminating the Unmanned Level Railway Crossing Gate No.65, KM.87/20.22, near Minamanamudi Village, Doravari Satram Mandal, SPSR Nellore District, as illegal and arbitrary, and consequently direct the respondents to retain the Unmanned Level Railway Crossing Gate near Minamanamudi Village or in the alternative erect manned level crossing in the place of level crossing Gate No.65, KM.87/20.22 near Minamanamudi village ”

It is pertinent to note that the Sarpanch and Villagers including the petitioners of Minimanamudi village filed Grievance Petition in Rc.G.550/2014, dated 21.04.2014 before the District Collector, SPSR Nellore with reference to which, the Revenue Divisional Officer, Naidupet, vide Communication dated 07.06.2014, informed the 2nd respondent – General Manager, Southern Railway, Chennai, as under:

“The matter has been enquired by the Tahsildar and the Tahsildar reported that there was only siran at Railway Cross Gate No.65 and steps have been taken for construction of under-bridge. During his enquiry, the villagers opined that with newly constructing under-bridge there will be a chance of stagnation of water during rainy season and there is also scope for assembling of snake and poisonous insects. So, they finally requested not to construct under-bridge. They requested that instead of constructing under-bridge due to above mentioned problems, they requested for

construction of Railway Gate at Gate No.65 of Minimanamudi village of Doravarisatram Mandal.”

The learned counsel for the petitioners has submitted that instead of stopping the proposal of constructing under bridge/sub-way bridge by eliminating the Unmanned Level Railway Crossing Gate No.65, the petitioners, vide comprehensive representation dated 04.07.2016, have reminding the respondents to construct man operated Level Crossing Gate in place of Unmanned Level Railway Crossing Gate No.65, KM.87/20.22, and requested not to proceed with the construction of Unmanned Level Railway Crossing Gate No.65, however the representation has not yet been decided.

Smt. Durgavalli, Advocate, representing Sri P.Bhaskar, learned Standing Counsel for Railways, on instructions, has submitted that the representation dated 04.07.2016 said to have been made by the petitioners seeking for the aforesaid relief, shall be decided if not already decided, within the time that may be stipulated by this Court.

Keeping in view the facts recorded above and the submission of the learned Standing Counsel, this Court deems it appropriate to dispose of the writ petition by directing the respondents to consider the representation dated 04.07.2016 said to have been filed by the petitioners and pass appropriate orders thereon, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, and communicate the decision that may be taken to the petitioners in writing within a period of one week thereafter. Till such time, the respondents are

restrained from taking any steps in constructing the under-bridge / sub-way bridge by eliminating the Unmanned Level Railway Crossing Gate No.65, KM.87/20.22, near Minamanamudi village, Doravari Satram Mandal, SPSR Nellore District.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

23.08.2016

bcj