

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 17.08.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.13265 of 2017

U.Chellaiah

: Petitioner

Vs.

1. The Deputy Chief Engineer,
Broad Gauge Conversion (Thiruvarur-Pattukottai-
Karaikudi) GC-II,
Southern Railways,
Trichy.

2. The District Collector,
Pudukottai District.

3. The Commissioner,
Aranthangi Panchayat Union,
Aranthangi.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to provide/construct subway or level crossing way in Tiruvarur-Pattukottai-Kariakudi Broad Gauge Railway line by accessing the public to reach between Pudukottai, Melakudieruppu, Sanganathi, Samban Odai, Veerandan, Surakudi Villages (Aranthangi-Peravurai Road) within stipulated time fixed by this Court.

For Petitioner : Mr.R.M.Arun Swaminathan

For Respondent No.1 : Mr.C.Vakeeswaran

For Respondent No.2 : Mr.T.S.MD.Mohideen
Additional Government Pleader

For Respondent No.3 : Mr.M.Govindan
Special Government Pleader

**O R D E R**

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed in public interest. The writ petitioner states that the people of Puduvakottai, Melakudieruppu, Sangathanthi, Samban Odai, Veerandan, Surakudi Villages are using the un-manned level crossing. This is the only way by which they can reach the major district road no.653, that connects Aranthangi and Peravurani.

2.Since the railways have undertaken the work of conversion of Metter Guage into the Broad Guage, the villagers are facing the prospect of closure of the said pathway. They therefore conducted so many agitations and moved the authorities for providing either the level crossing road or construction of subway. They also submitted representations.

3.The stand of the railways appears to be that if the district administration or the local body would bear the cost, they would construct the subway or any other mode of access. The issue is hanging fire. Since the matter concerns rights of access and safety, this Court directs the second respondent to enquire into the representation dated 08.05.2017. The second respondent shall take into account the recommendation of the Revenue Divisional Officer, Aranthangi, given on 04.07.2017 in Na.Ka.No.2730/2016/A2. The second respondent shall look into the matter with all sympathy and consideration and is directed to take a decision on the petitioner's representation dated 08.05.2017. This exercise shall be done within a period of four weeks from the date of receipt of a copy of this order. The second respondent is also directed to hear the writ petitioner in person before deciding the matter.

4.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Chief Engineer,
Broad Gauge Conversion (Thiruvavur-Pattukottai-
Karaikudi) GC-II,
Southern Railway,
Trichy.



2. The District Collector,
Pudukottai District.

3. The Commissioner,
Aranthangi Panchayat Union,
Aranthangi.

+1cc to M/S. C.VAKEESWARAN, Advocate, SR.No.72864.

+1cc to M/S. CHETTINAD LEGAL SOLUTIONS, Advocate, SR.No.72799.

+1cc to Special Government Pleader, SR.No.73243.

Order made in
W.P. (MD) No.13265 of 2017
17.08.2017

tsg

SDS/SV:MMS/SAR 1/06.10.2017/3P/7C