



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2017

CORAM:

THE HONOURABLE Mr.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.13940 of 2016

and

W.M.P.Nos.10372 to 10374 of 2016

1.R.Suyambu

2.C.Tharmaraj

... Petitioners

Vs.

1.The District Collector,
Kanyakumar District,
Nagercoil.

2.The General Manager,
Southern Railway,
Park Town, Chennai.

3.The Divisional Railway Manager (Works),
Southern Railway, Trivandrum Division,
Trivandrum.

4.The Assistant Engineer,
Southern Railway,
Nagercoil, Trivandrum Division,
Kanyakumari District.

5.Union of India, Ministry of Railways, Room No.5, 256-A,
Rail Bhavan, Raisina Road, New Delhi,
Delhi - 110 001.

... Respondents

(R5 is impleaded vide Court

Order dated 05/12/2016 in

WMP(MD) 13137/16 by RPSJ & JNBJ)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in E1/24603/2012, dated 27.08.2012 on the file of the first respondent and quash the same and consequently forbearing the respondents in any way closing the Manned Railway crossing (Level Crossing) bearing L.C.No.13 C KM 10/7-8 TVU 2608 (5-95), now L.C.No.13 M (KM 10/400-500) in Edayanvilai Village, Agastheeswaram Taluk, Kanyakumari District.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.S.Manokar for R2 to R5

Mr.M.Govindan,

Spl.Govt. Pleader for R1.



O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.)

The petitioners filed this writ petition, challenging the proceeding dated 27th August 2012 on the file of the District Collector, Kanyakumari.

2.The petitioners seek an order to restrain the respondents from closing the unmanned railway crossing bearing L.C.No.13 C KM 10/7-8 TVU 2608 (5-95), now L.C.No.13 M (KM 10/400-500) in Edayanvilai Village, Agastheeswaram Taluk, Kanyakumari District.

3.When the writ petition was taken up for final disposal, the learned counsel for the petitioners, by placing reliance on a letter dated 20th February 2017 sent by the Chief Bridge Engineer, Headquarters Office, Works Branch, Chennai - 600 003 submitted that in view of the said communication nothing survives for adjudication.

4.The letter dated 20.02.2017 reads thus:

Your letter dated 08.02.2017 on the representation of Shri.A.Vijayakumar, Member of Parliament (Rajya Sabha) has been gone through in detail. At the location of level crossing No.13 between Nagercoil and Kanyakumari railway line a low cost ROB called ERR (Elevated Road Rail Crossing) has been sanctioned through LAW 2017-18 at a cost of Rs.2.29 crores in order to eliminate this manned LC.

Detailed drawings are under preparation and the work is targeted for completion in 2017-18. Whenever this low cost ROB is commissioned at the level crossing having meagre traffic, there will be no necessity for having a Level crossing and man power.

5.Since the petitioners are satisfied with the proceedings referred to in the letter dated 20th February 2017, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The District Collector,
Kanyakumar District,Nagercoil.

<https://hccseco.cemilmservice.in/>
2.The General Manager,
Southern Railway,
Park Town, Chennai.



3.The Divisional Railway Manager (Works),
Southern Railway, Trivandrum Division,
Trivandrum.

4.The Assistant Engineer,
Southern Railway,
Nagercoil, Trivandrum Division,
Kanyakumari District.

5.The Secretary,
Ministry of Railways,
Rail Bhavan, New Delhi.

+1 CC TO MR.S.MANO HAR, ADVOCATE,SR NO.63739

+1 CC TO MR.M.P.SENTHIL, ADVOCATE,SR NO.63533

Arul

MAS/MR-KKR/SAR3:18.07.2017:3P-8C

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