

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.3033 of 2018
and
W.M.P.No.3703 of 2018

P.Pongothai

.. Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Coimbatore - 641 018.
2. The Chief Engineer,
Highways Department,
Tamil Nadu State Highways,
NABARD and Rural Roads,
Block-III, 3rd Floor,
Sidco Electronics Complex,
Guindy,
Chennai - 600 032.
3. The Superintending Engineer,
Highways Department,
Tamil Nadu State Highways,
Salem Circle,
NABARD and Rural Road,
Nattanmai Kattida Valagam,
Salem - 636 001.

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4. The Divisional Engineer,
Highways Department,
Tamil Nadu State Highways,
NABARD and Rural Roads,
1661, Trichy Road,
Coimbatore - 641 018.
 5. The Chief Bridge Engineer,
O/o Chief Bridge Engineer,
Southern Railway,
Chennai - 600 003.
 6. The Divisional Engineer,
(DEN/WEST/SA)
Salem Divisional Railway Office,
Suramangalam,
Salem - 636 005.
 7. The Deputy Chief Engineer,
Construction,
Southern Railway,
Podanur,
Coimbatore - 641 023.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 2 to 7 to implement the 1st respondent's directions dated 18.02.2010, 01.05.2010 and 30.09.2010 and align the bridge as per Scheme Road "AA" (New Name 'BB').

For Petitioner : Mr.J.Kumaran
for Mr.B.Nambiselvan

For Respondents : Mr.R.Govindasamy,
Special Government Pleader
for R1 to R4

ORDER

The petitioner is running a School. He is apprehending that the respondents will take a portion of the land belonging to the petitioner where the said School is located, while constructing the railway over bridge.

2. Learned counsel for the petitioner submitted that though the petitioner has already gifted a portion of the land for the purpose of constructing such over bridge, the respondents may attempt to take some more extent of the land from the remaining portion of the petitioner's school as well thereby leaving the petitioner in great difficulty in running the said School.

3. On the other hand, the learned Special Government Pleader, based on instructions, submitted that the very apprehension of the petitioner is totally misconceived and premature in view of the fact that the very alignment has not reached its finality and on the other hand, it is only in the proposal stage. Therefore, he submitted that as and when such finality of the alignment is reached and if the respondents are intending to take further extent of land from the petitioner, they would do so only in accordance with law by initiating acquisition proceedings and only at that time, it is for the petitioner to make her objections, if

any. Therefore, he submitted that the present writ petition is totally premature.

4. Considering the above stated facts and circumstances, this Court is of the view that the present apprehension of the petitioner is totally premature as admittedly, the respondents have not come out with the acquisition proceedings against the petitioner's land so far and only when such acquisition proceedings are initiated, the petitioner may have a cause of action for agitating the matter in accordance with law. Therefore, the petitioner has to wait for the respondents to act. Accordingly, this writ petition is disposed of by granting liberty to the petitioner to work her remedy in a manner known to law as and when a cause of action arises in future. No costs. Consequently, connected miscellaneous petition is closed.

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15.02.2018

Speaking/Non Speaking

Index : Yes/No

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Note: Issue order copy on 19.02.2018

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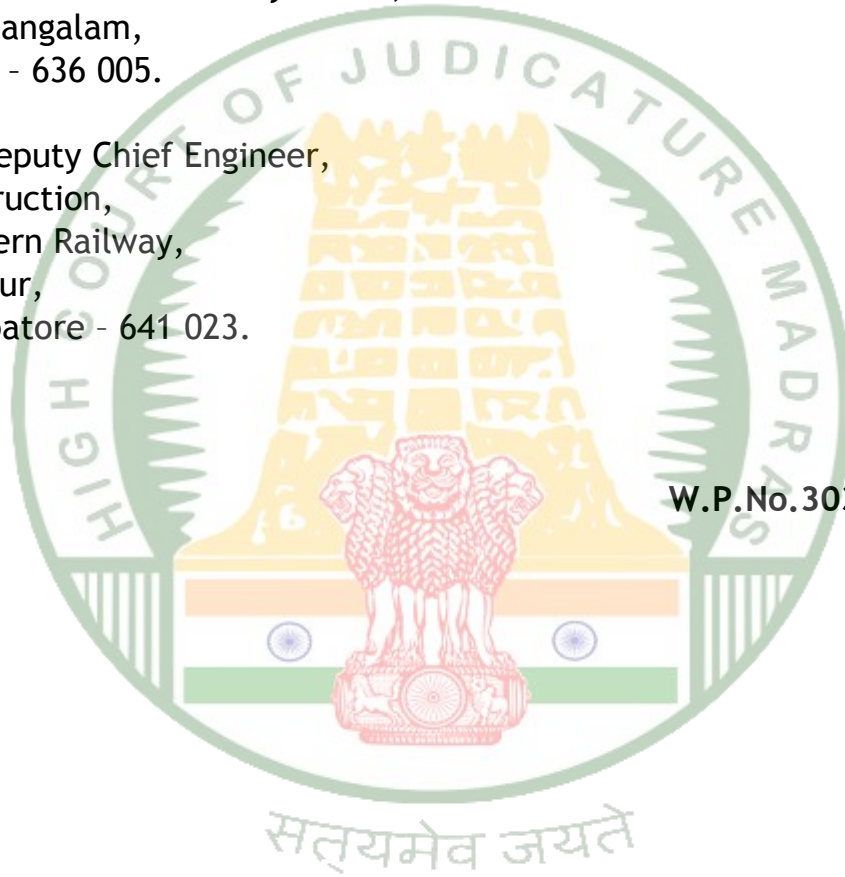
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