

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22..11..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.23665 of 2018

A.Sundararajan

... Petitioner

-Versus-

1.The Land Acquisition Officer /
District Revenue Officer, Salem-1.

2.The Divisional Railway Manager,
Salem Junction, Suramangalam,
Salem-5.

3.The Divisional Engineer,
Highways Department,
Nattamai Kazhagam,
Near Collector's Office,
Salem-1.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 08.03.2018 and pass suitable orders by taking note of the 2nd respondent's communication in S.A/G120/USR/LC-184/2018 dated 18.07.2018.

For Petitioner : Mr.C.Prakasam

For Respondents : D.Raja, AGP for R1 & R3

Mr.P.T.Ramkumar for R2

ORDER

This writ petition has been filed seeking a direction to the 1st respondent in the nature of writ of mandamus for considering the representation of the petitioner dated 08.03.2018.

2. The case of the petitioner is that he is running a private gas agency at Door No.279/91, Cherry Road, Near Railway Gate, Salem-7 and supplying gas cylinders to his customers for both domestic as well as commercial purposes. He is also running a showroom for selling gas stove and its spare parts and other house hold articles in the very same premises. According to the

petitioner, he is the owner of a portion of a portion of the land situate at Door NO.279/91 and buildings measuring 1170 square feet and in respect of the remaining portion of the building measuring 1050 square feet he has entered into an agreement of sale and parted with the entire sale consideration to his vendor. According to the petitioner, out of the total land comprised in the door number in question, an extent of 88 square meters of land is now sought to be acquired by the respondent for constructing sub way under the railway track. Further, according to the petitioner, if the front portion of his land measuring about 88 square of land, leaving the buildings and the remaining land, is acquired, his entire business would get affected. In the said circumstances, a representation was made by him to the authorities concerned either to acquire the land in its entirety along with the building situate therein for the intended project or to provide a service road in front of his building to facilitate loading and unloading of cylinders and to provide access to his customers to approach his gas agency yielded no result and hence this writ petition.

3. Hear both sides.

4. The learned standing counsel for the railways, on instructions, submitted that the proposal for constructing sub way had been dropped and the authorities have decided to construct Road Over Bridge in the locality. Therefore, according to the standing counsel for the 2nd respondent, the apprehension of the petitioner is without any basis.

5. Considering the fact that the railway authorities have decided to construct a road over bridge instead of sub way, the apprehension of acquisition of land by the Government authorities is baseless. Therefore, this writ petition is dismissed recording the submission of the learned standing counsel for the 2nd respondent-railways. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Land Acquisition Officer /
District Revenue Officer, Salem-1.

2.The Divisional Railway Manager,
Salem Junction, Suramangalam,
Salem-5.

3.The Divisional Engineer,
Highways Department,
Nattamai Kazhagam,
Near Collector's Office, Salem-1.

+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.79830
+1cc to Mr.C.Prakasam, Advocate, S.R.No.79879
+1cc to the Government Pleader, S.R.No.80437

W.P.No.23665 of 2018

JP (CO)

rrs 04/12/2018



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