



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.2702 of 2018
and W.M.P. (MD) Nos.13034 and 13062 of 2018

P.G.Paulraj ... Petitioner
-vs-

- 1.State represented through
The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 3.The Deputy General Manager cum Project Director,
National High Ways Authority of India,
(Ministry of Transport and Highways),
3, Surya Towers, 2nd Floor 1st East Street, B
K.K. Nagar,
Madurai - 625 020.
- 4.The Regional Officer,
National Highways Authority of India,
(Ministry of Transport and Highways),
Regional Office,
Sri Tower, 3rd Floor,
DP-34 SP Industrial Estate, Guindy,
Chennai - 600 032.
- 5.The Managing Director,
Madurai - Tuticorin Expressways Limited,
M/s. Maducon House,
1129/A Road No.36,
Jubilee Hills, Hyderabad - 500 034,
Telengana State.
- 6.The General Manager,
Southern Railway,
Chennai.



7.The Chairman,
Tuticorin Port Trust,
Tuticorin.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to initiate speedy action to construct Rail Over Bridge ROB at Meelavittan, Tuticorin and regulate the present traffic at that place to save precious life of the citizens within stipulated time limit according to law based on petitioner's representation dated 09.01.2018.

For Petitioner	:	Mr.S.Muthalraj
For Respondents 1& 2	:	Mr.K.Saravanan Government Advocate
For Respondents 3 & 4	:	Mr.C.Arul Vadivel @ Sekar
For 5th Respondent	:	Mr.V.Meenakshi Sundaram Senior Counsel for MR.GA.Natraj
For 6th Respondent	:	Mr.S.Manohar
For 7th Respondent	:	Mr.A.Arivuchandran

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed as a Public Interest Litigation seeking a direction to the Respondents to initiate speedy action to construct Rail Over Bridge ROB at Meelavittan, Tuticorin.

2.Heard learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 & 2 and the learned counsels appearing for respondents 3 to 7.

3.In the counter affidavit filed by respondent Nos.3 & 4, the following statement has been made:

"10.It is submitted that by considering the present scenario of scarcity of sand, clearance from Railways and Commissioner of Railway safety, Concessionaire has given revised work programme with the completion date 07.10.2018 in anticipation of all necessary co-operation/clearance from Railways. If Railway Authorities are willing to undertake this balance work, NHAI shall deposit the construction cost as demanded by Railway Authorities (the 6th Respondent)."

<https://hcservices.ecourtservice.in/hcservices>
4.The learned counsel for the 6th respondent/Southern Railways would submit that if the amount demanded is paid by the respondents 3 and 4, then needful will be done at the place of the



6th respondent.

5.The learned counsel appearing for the respondents 3 and 4 would submit that the amount as demanded would be paid within six weeks from the date of receipt of a copy of this order. The said submission is recorded.

6.Accordingly, we direct respondents 3, 4 and 6 to complete the Railway Over Bridge work at Meelavittan, Tuticorin within a period of one year from the date of receipt of a copy of this order.

7.There is yet another issue which has arisen in pursuant to the judicial notice taken by this Court at an earlier point of time. This is with respect to the repairing work by the 5th respondent. While directing the respondents 3 to 5 to withhold that part of the order to reduce the toll/user fee, the 5th respondent is further directed to undertake the repair work.

8.From the status report filed by the 3rd respondent and the counter affidavit filed by the 5th respondent, it is seen that repairs were carried on and at present laying work is going on. Therefore, there is sufficient compliance of the order issued.

9.Accordingly, this Writ Petition stands disposed of with the above directions. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Superintendent of Police,
Tuticorin District, Tuticorin.

+1 CC To MR.N.GA.NATRAJ, Advocate SR. NO. 89610
+1 CC To MR.C.SASI KUMAR, Advocate SR. NO.89852
+1 CC To MR.S.MUTHALRAJ, Advocate SR. NO.89640
+1 CC To MR.C.ARUL VADIVEL @ SEKAR, Advocate SR. NO.89611
+1 CC To MR.A.ARIVUCHANDRAN, Advocate SR. NO. 89813
+1 CC TO The Special Government Pleader SR.NO. 89710