



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

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**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

**W.P(MD)No.6250 of 2018
and
W.M.P(MD)No.6083 of 2018**

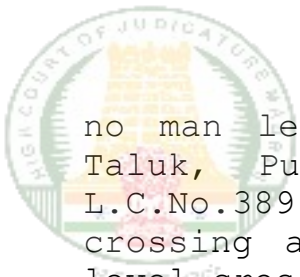
S.Vijayakumar : Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Pudukottai District,
Pudukottai.
2. The District Revenue Officer,
Office of the District Collector,
Pudukottai.
3. The Sub Collector,
Office of the Sub Collector,
Pudukottai.
4. The Tahsildar,
Office of the Tahsildar,
Thirumayam Taluk,
Pudukottai District.
5. The General Manager,
Southern Railway,
Chennai.
6. The Zonal/Divisional Manager,
Southern Railway,
Madurai - 625 016.

7.Y.Anantha Rajan : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 6 to consider the petitioner's representation dated 09.03.2018 and to drop all the process of laying road from



no man level crossing leading to Pilivalam Village, Thirumayam Taluk, Pudukottai District, to the next level crossing in L.C.No.389, two kilometers away from the said no man level crossing and also to put a gate or sub-way to the said no man level crossing.

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For Petitioner : Mr.R.Srinivasan

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader
for R.1 to R.4

O R D E R

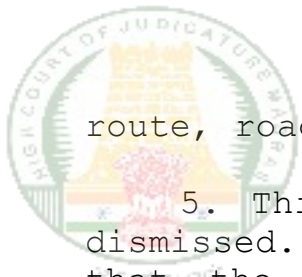
[Order of the Court was made by **The Hon'ble Chief Justice**]

This writ petition, purportedly by way of public interest, has been filed seeking a writ of Mandamus, directing the respondents 1 to 6, to consider the petitioner's representation, dated 09.03.2018 and to stop the laying of a road from 'No Man Level Crossing' leading to Pilivalam Village, Thirumayam Taluk, Pudukottai District, to the next Level Crossing in L.C.No.389, 2 Kms., away from the said 'No Man Level Crossing'. The petitioner has also sought directions on the respondents to put a gate or sub-way at the 'No Man Level Crossing'.

2. We are unable to appreciate how the stopping of laying of a road can be in public interest. Relying on a sketch at Page No.7 of the typed set of papers submitted along with the writ petition, it is argued that certain plots are water bodies.

3. In the affidavit, it is stated that a *Kanmoi* [water body] is yielding water to agriculturists and villagers for all purposes for more than 100 years. It is alleged that the Southern Railway encroached a part of *Pangana Kanmoi*, 40 years ago, for laying a railway track. This was for the purpose of laying a railway track from Tiruchirappalli to Rameshwaram. The road, which is to run parallel to the railway track to connect the 'Unmanned Level Crossing' with the 'Manned Level Crossing' stretching over a distance of 2 Kms., does not run over a water body. This is evident from the pictures/photographs produced by the petitioner himself. The road may cross a water body for which, a culvert would necessarily be constructed. The construction of the road should not affect the water supply to villagers.

4. We do not deem it appropriate to entertain this writ petition. Under the garb of entertaining a Public Interest Petition, the Court cannot take over executive functions. It is not for this Court to decide how, in what manner and along what



route, roads should be laid.

5. This writ petition is, therefore, not entertained and is dismissed. However, we direct the authorities concerned to ensure that the water supply to agriculturists and to villagers in general, is not affected by reason of construction of the road. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of the District Collector,
Pudukottai District,
Pudukottai.
2. The District Revenue Officer,
Office of the District Collector,
Pudukottai.
3. The Sub Collector,
Office of the Sub Collector,
Pudukottai.
4. The Tahsildar,
Office of the Tahsildar,
Thirumayam Taluk,
Pudukottai District.

+ 1 cc TO The Special Government Pleader in SR No. 58396

NB/RSB

AE/KKR/SAR1/13.04.2018/3P/6C

ORDER MADE IN
W.P(MD) No. 6250 of 2018
and
W.M.P(MD) No. 6083 of 2018
23.03.2018