



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
W.P.[MD].No.19404 of 2018
and
W.M.P. (MD) .No.17248 of 2018

M.Mariappan : Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by the Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Fort.St.George, Chennai 9.
 - 2.The District Collector,
Collectorate, Tirunelveli District.
 - 3.The Assistant Director,
Office of the Assistant Director for Town Panchayats,
Tirunelveli Zonal, NGOB Colony, Palayamkottai,
Tirunelveli District.
 - 4.The General Manager,
Southern Railway, First Floor, NGO Campus,
Park Town, Chennai 3.
 - 5.The Chief Engineer,
Office of the Chief Engineer,
Bridge and Maintenance,
Southern Railway, Chennai 600 033.
 - 6.The Assistant Chief Engineer,
Construction - 1, Southern Railway,
Arasaradi, Madurai City 1.
 - 7.The Additional Divisional Railway Manager,
Office of the Additional Divisional Railway Manager,
Madurai Railway Station, Madurai City 1.
 - 8.The Kallidaikuruchi Selection Grade Town Panchayat,
Rep by the Executive Officer,
Kallidaikuruchi, Ambasamudram Taluk,
Tirunelveli District.
- : Respondents



India to issue a Writ of Mandamus forbearing the respondents from constructing the Under Bridge in Railway Gate L.C.No.56, enroute Nellai to Sengottai Passenger Train situated at Kattumannar Kovil - Theetchan Pacheri Village, Kallidaikurichi, Ambasamudram Taluk, Tirunelveli District and consequently directing the respondents to build a permanent Railway Gate in Level Crossing No.56, by considering the representations dated 06.08.2018 and 03.09.2018 within a time stipulated by this Court.

For petitioner	: Mr.I.Pinaygash
For respondents 1to3	: Mr.N.Shanmugaselvam Additional Government Pleader
For Respondents4 to7	: Mr.S.Manohar Standing Counsel
For Respondent No.8	: Mr.J.Gunaseelanmuthiah Additional Government Pleader.

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

Though the petitioner has sought a larger relief, Mr.I.Pinaygash, learned counsel appearing for the petitioner, at the time of arguments, would submit that it would suffice, if pending representations dated 06.08.2018 and 03.09.2018 are directed to be considered and disposed of by the fifth respondent within a time frame.

2. The grievance of the petitioner is with respect to the proposed under bridge in order to change the unmanned level crossing by way of policy decision. Therefore, this Court cannot interfere with the aforesaid decision.

3. However, considering the limited relief now sought by the learned counsel appearing for the petitioner, we direct the fifth respondent to look into the grievance expressed by way of representations dated 06.08.2018 and 03.09.2018, since it has been stated that the general public are using the road and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to send copies of the said representations within a period of two weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No costs. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(CO)

/True copy/



To

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort.St.George, Chennai 9.

2.The District Collector,
Collectorate, Tirunelveli District.

3.The Assistant Director,
Office of the Assistant Director for Town Panchayats,
Tirunelveli Zonal, NGOB Colony, Palayamkottai,
Tirunelveli District.

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5.The Chief Engineer,
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6.The Assistant Chief Engineer,
Construction - 1, Southern Railway,
Arasaradi, Madurai City 1.

7.The Additional Divisional Railway Manager,
Office of the Additional Divisional Railway Manager,
Madurai Railway Station, Madurai City 1.

8.The Executive Officer,
Kallidaikuruchi,
Selection Grade Town Panchayat,Kallidaikurichi,
Ambasamudram Taluk,
Tirunelveli District.

+1cc to Mr.A.HAJA MOHIDEEN, Advocate, SR.No.82991

+1cc to Mr.I.PINAYGASH, Advocate, SR.No.82923

+1cc to M/s.Special Government Pleader,SR.No. 83106

W.P. [MD] .No.19404 of 2018
07.09.2018

NB

KK/SV/SAR-4/11.09.2018/3P-12C