



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.20533 of 2018
and W.M.P.No.18283 of 2018

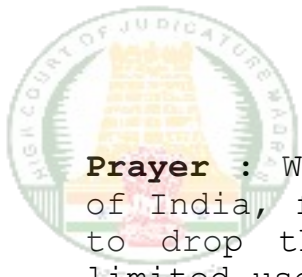
Jeyachandran

... Petitioner

vs.

1. Union of India,
Rep. By Ministry of Railways,
No.239 Rail Bhawan
New Delhi - 110 011.
2. The Secretary to Government
State of Tamil Nadu,
St. George Fort, Chennai.
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The Commissioner,
Thoothukudi Municipal Corporation
Thoothukudi
5. The General Manager,
Southern Railway,
Chennai.
6. The Railway Divisional Manager,
Southern Railway, Madurai.
7. The Chief Engineer (Highways)
Planning Authority, Chennai.
8. The Divisional Engineer (Highways)
Planning Authority,
Tirunelveli,
Tirunelveli District.
9. The Divisional Engineer (Highways)
Building and Maintenance
Thoothukudi Division,
Thoothukudi.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the respondents to drop the scheme for construction of Railway Over Bridge and limited use subway at 663/6-7 Kadavu No.486/11-12 and 486 and 487 at 1st and 2nd Railway Gate situated near Thoothukudi Junction Railway Station and consequently directing the respondents 3 to 6 to shift main railway station from Thoothukudi Railway Junction to Milavitan Junction by considering the petitioner's representation dated 01.08.2018.

For Petitioner : Mr.J.David Ganesan
For Respondents 2&3 : Mr.A.K.Baskara Pandian Spl.GP.,

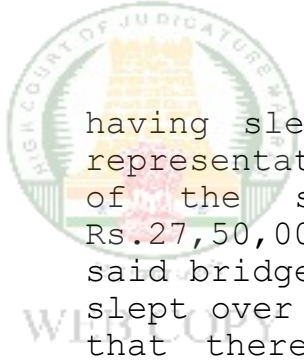
ORDER

(Order of the Court was made by T.RAJA, J.)

This writ petition has been filed for a direction to the respondents to drop the scheme for construction of railway over bridge and limited use subway at 663/6-7 Kadavu No.486/11-12 and 486 and 487 at 1st and 2nd railway gate situated near Thoothukudi Junction Railway Station and consequently directing the respondents 3 to 6 to shift main railway station from Thoothukudi Railway Junction to Milavitan Junction by considering the petitioner's representation dated 01.08.2018.

2. Learned counsel for the petitioner submits that the Tuticorin Junction is nearer to seashore and the distance between the sea and railway station is around 200 meters alone and the land situated nearer to Tuticorin railway station is very nearby to the seashore and therefore, if any building is put up within three feet, the sea water will come and cause huge damage to the proposed railway bridge, as it is dangerous to put up any construction nearby seashore. The 7th respondent Chief Engineer highways planning authorities, Chennai, ought not to have issued the notification dated 13.11.2007 in G.O.Ms.No.272 Highways (H.Q.2) Department, for the purpose of putting up of Railway Bridge alleging a sum of Rs.27,50,00,000/-. As per the notification issued by the 7th respondent, the construction of railway bridge as well as the limited usage of subway in the first and second respondents railway gate is permitted, public would be put to great prejudice. Therefore, a representation was given on 20.10.2015 and also 31.10.2015 to the respondents 3 and 4 highlighting the harm and demerits of the above bridge with a request to change the railway station from Thoothukudi Junction to Milavittan Junction. Since the same has not been considered by the respondents 3 and 4, the petitioner is before this Court with this writ petition.

3. When G.O.Ms.No.272 dated 13.11.2007 was issued by the Chief Engineer, Highways, Planning Authority, Chennai, 7th respondent herein for the purpose of constructing a railway over bridge at Thoothukudi Railway Station, it is not known why the petitioner,



having slept over for about 10 long years, has given a belated representation on 31.10.2015 to the respondents 3 and 4. A reading of the said G.O., clearly shows that a huge amount of Rs.27,50,00,000/- have been allotted for the construction of the said bridge. As the petitioner remained only a silent spectator and slept over for all these long years and filed this writ petition and that there is a huge and unexplained delay, we are unable to entertain the writ petition.

4. The writ petition fails and the same is accordingly, dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Ministry of Railways,
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New Delhi - 110 011.
2. The Secretary to Government
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8. The Divisional Engineer (Highways)
Planning Authority,
Tirunelveli, Tirunelveli District.
9. The Divisional Engineer (Highways)
Building and Maintenance
Thoothukudi Division, Thoothukudi.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87559

RR

TE/SV/SAR-2 : 09/11/2018 : 3P/11C