



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.10546 of 2019

and

W.M.P. (MD) Nos.8078, 8079 & 8080 of 2019

R.Kutralanathan

... Petitioner

-VS-

- 1.State of Tamil Nadu
represented by
The Secretary to Government
High Ways Department
Secretariat, Fort St.George
Chennai
- 2.The Land Acquisition Officer and
District Collector, Tuticorin
(Construction of Railway Over Bridge
(ROB) in lieu of Level crossing (LC)
486 at Railway KM 652/700-800 Project
At Ward No.3 of Tuticorin Town)
Collectorate, Korampallam
Tuticorin
- 3.The Public Information Officer
Personal Assistant to District Collector (Land)
Tuticorin District
Collectorate, Korampallam
Tuticorin
- 4.The Superintending Engineer
Highways (Projects)
State Highways Circle Office
Madurai
- 5.The Divisional Engineer
Highways (Projects)
State High ways Divisional Office
Tirunelveli
- 6.The Assistant Divisional Engineer
Highways (Projects)
State High ways Sub Divisional Office
Thoothukudi



7.The Divisional Manager
Southern Railways
Madurai Divisional Office
Madurai

8.The Area Manager
Southern Railways
Tuticorin

9.The Commissioner and Special Officer
Tuticorin Municipal Corporation
Tuticorin Municipal Corporation Office
Tuticorin

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the entire records relating to the impugned Notification No.Na.Ka.E/2/133272016 dated 13.02.2019 on the file of 2nd respondent and consequently quash the same to forbear the official respondents from acquiring the land mentioned in notification at Tuticorin Town, Tuticorin Taluka and Tuticorin District.

For Petitioner : Mr.S.Muthalraj

For Respondents : Mr.R.Murugan
Additional Government Pleader
for R1 to R6 & R9

O R D E R

[Order of the Court was made by B.PUGALENDHI, J.]

The petitioner has filed this writ petition in the nature of a public interest litigation challenging the notification dated 13.02.2019, by which, the respondents are proposing to construct a railway over bridge in Thoothukudi Town.

2. Mr.S.Muthalraj, learned counsel for the petitioner, contended that if railway over bridge is constructed in Thoothukudi Town, it will cause lot of prejudice to the public interest as it will obstruct the free passage to four temples in and around that area. He further contended that the construction of over bridge is intended to the benefit of some politicians and not the public. He further contended that Milavittan Railway Station, which is located nearby, may be shifted to another place in the future, on account of which, the over bridge will loose its relevance.

3. In our considered opinion, railway over bridge is essential in order to protect the lives of common man from railway accidents. Under such circumstances, we do not find any merit in



this public interest litigation and accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

/ True Copy /

Sub Assistant Registrar (CS)

krk

To:

1. The Secretary to Government,
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Secretariat, Fort St. George,
Chennai
2. The Land Acquisition Officer and
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(Construction of Railway Over Bridge
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Collectorate, Korampallam, Tuticorin.
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5. The Divisional Engineer,
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6. The Assistant Divisional Engineer,
Highways (Projects),
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Thoothukudi.
7. The Divisional Manager,
Southern Railways,
Madurai Divisional Office,
Madurai.



8.The Area Manager,
Southern Railways,
Tuticorin.

9.The Commissioner and Special Officer,
Tuticorin Municipal Corporation,
Tuticorin Municipal Corporation Office,
Tuticorin.

+1 CC to M/s.MUTHALRAJ, Advocate (SR-63527[F] dated 27/04/2019)
+1 CC to M/s.GP (SR-63730[F] dated 29/04/2019)

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ES/15.05.2019/4P/12C