

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.32847 of 2019

and

W.M.P.No.33276 of 2019

Selvaraj M

.. Petitioner

-vs-

- 1.Union of India,
Rep. by its Secretary,
Ministry of Railways,
New Delhi 110 001.
- 2.District Collector -
Nagapattinam District,
Collectorate, Amirtha Nagar,
Nagapattinam, Tamil Nadu 611 001.
- 3.Tahsildar,
Office of the Tahsildar,
Vedaranyam, Vedaranyam Taluk,
Nagapattinam District.
- 4.General Manager - Southern Railways,
General Manager Officer, General Branch,
1st Floor NGO Main Building,
Southern Railway, Park Town,
Chennai 600 003.
- 5.Divisional Engineer,
Thiruchirapalli Division,
Southern Railways,
Tiruchirapalli - 620 001.
- 6.Chief Administrative Officer-Constructions,
Southern Railways,
EVR Periyar Salai,
Egmore, Chennai,
Tamil Nadu - 600 008.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1, 4 to 6 to implement the 2nd respondent's order dated 21.09.2019 (bearing ref: Na Ka 11393/2018/A2 dated 21.09.2019) and consequently dismantle and remove all construction whatsoever if any at the site of the Railway Level Crossing No.19, Manakadu Village, Vedaranyam, Vedaranyam Taluk, Nagapattinam District to restore the status quo ante in the interests of justice.

For Petitioner : Mr.K.F.Manavalan

For Respondents : Mr.P.T.Ramkumar
Stdg. Counsel
for RR 1, 4 to 6

: Mr.K.S.Suresh,
Govt. Advocate for RR 2 & 3

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

This writ petition is filed as a public interest litigation in respect of the alleged construction at the site of Railway Level Crossing No.19 of Manakadu village, Vedaranyam Taluk, Nagapattinam District.

2.The case of the writ petitioner is that construction has been erected at the site of the railway level crossing. Consequently, the writ petitioner seeks a writ of mandamus to implement the second respondent's order dated 21.09.2019.

3.In several similar matters, this Court has observed that it is not possible to exercise discretionary jurisdiction unless the matter concerns the larger public interest.

4.Accordingly, without examining the merits of the case, this writ petition is disposed of by directing the official respondents concerned to consider the representation of the writ petitioner and dispose of the same by a speaking order within a period of four weeks from the date of receipt of a copy of this order. In the event the writ petitioner is aggrieved by such disposal of the representation, the writ petitioner is at liberty to pursue legal remedies, otherwise than by a public interest litigation, after establishing his locus standi in such regard.

This writ petition, W.P.No.32847 of 2019, is disposed of on the above terms. There will be no order as to costs. Consequently, W.M.P.No.33276 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Secretary to Union of India,
Ministry of Railways,
New Delhi 110 001.
 - 2.The District Collector - Nagapattinam District,
Collectorate, Amirtha Nagar,
Nagapattinam, Tamil Nadu 611 001.
 - 3.The Tahsildar,
Office of the Tahsildar,
Vedaranyam, Vedaranyam Taluk,
Nagapattinam District.
 - 4.The General Manager - Southern Railways,
General Manager Officer, General Branch,
1st Floor NGO Main Building,
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 - 5.The Divisional Engineer,
Thiruchirapalli Division,
Southern Railways,
Tiruchirapalli - 620 001.
 - 6.Chief Administrative Officer-Constructions,
Southern Railways, EVR Periyar Salai,
Egmore, Chennai, Tamil Nadu - 600 008.
- +1cc to Mr.KF.Manavalan, Advocate, S.R.No. 5284
+1cc to Mr.PT.Ramkumar, Advocate, S.R.No.5150
+1cc to the Government Pleader, S.R.No. 5098

W.P.No.32847 of 2019

LN(CO)
GN(19/02/2021)