



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

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THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.8687 of 2021

M.Abdul Saleem

...Petitioner

-Vs-

- 1.Union of India,
Represented by the Chairman,
Railway Board,
Rail Bhavan, New Delhi.
- 2.The General Manager,
Southern Railway,
Park Town, Chennai - 3.
- 3.The Financial Adviser and Chief Accounts Officer,
Southern Railway, Park Town,
Chennai - 3.
- 4.The Divisional Railway Manager,
Tiruchirappalli Division, Southern Railway,
Tiruchirappalli Junction.
- 5.The Senior Divisional Engineer (Co-ordination)
Tiruchirappalli Division, Southern Railway,
Tiruchirappalli Junction.
- 6.The District Revenue Officer,
State Highways (Land Acquisition)
Office at: District Collector Office,
Tiruchirappalli.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents to consider the representation dated 18.03.2021 submitted by the affected persons due to the proposed road underground bridge/tunnel to be constructed at the Railway Level Crossing No.323 situated between Manajithidal Railway Station and Thiruverumbur Railway Station, at SIT to Kalkandarkottai Road and further direct the respondents to construct road over bridge instead of the road underground bridge/tunnel and to construct the same

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the railway line between the above stations, instead of acquiring the properties of the petitioner and demolishing his residential and commercial premises situated nearby on the east of SIT-Kalkandarkottai Road.

For Petitioner : Ms.T.Banumathy
For Respondents : Mr.S.Manohar,
Standing Counsel for R2 to R5
Mr.K.P.Krishandoss,
Special Government Pleader for R6

ORDER

[Order of the Court was made by **T. S. SIVAGNANAM, J.,**]

The petitioner, by way of this Writ Petition, styled as a Public Interest Litigation, seeks for a direction upon the respondents to consider the representation dated 18.03.2021 submitted by the affected persons due to the proposed road underground bridge/tunnel to be constructed at the Railway Level Crossing No.323 situated between Manajithidal Railway Station and Thiruverumbur Railway Station, at SIT to Kalkandarkottai Road and further direct the respondents to construct road over bridge instead of the road underground bridge/tunnel and to construct the same within the Railway Empty Land enormously available on both sides of the railway line between the above stations, instead of acquiring the properties of the petitioner and demolishing his residential and commercial premises situated nearby on the east of SIT-Kalkandarkottai Road.

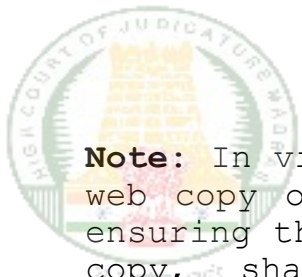
2. So far as the jurisdiction of this Court under Article 226 of the Constitution of India, no positive direction can be granted to the authorities to construct a subway in a particular place. It is for the authorities and technical people to take a decision in the matter. However, since a representation has also been submitted by the petitioner on 18.03.2021, we permit the petitioner to pursue the representation before the fourth respondent, who shall take a decision in accordance with law.

3. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Records)

//True copy//

/ /2021
Sub Assistant Registrar



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

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- 6.The District Revenue Officer,
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Office at: District Collector Office,
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+1CC to THE SPECIAL GOVERNMENT PLEADR(SR-18083[F] dated 29/04/2021)

Order made in
W.P. (MD)No.8687 of 2021
28.04.2021

VSM
SRS/24.05.2021/3P/8C