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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.Nos.20565 & 20567 of 2015

R.Sachidanandam	...Petitioner in W.P.No.20565 of 2015
Rameswari	...Petitioner in W.P.No.20567 of 2015

Vs

1. The General Manager,
Southern Railway,
Park Town,
Chennai - 600 003.
2. The Estate Officer,
Office of the Additional Divisional
Railway Office,
Works Branch, Southern Railway,
Palakkad - 678002. ...Respondents in both W.Ps

PRAYER in W.P.No.20565 of 2015 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents, their men, agent, Officers or any other person acting through them in any way interfering with the property of the petitioner situated at Old S.F.No.601/2, New S.F No.601/2C, 601/12C, Kurichi Village, Coimbatore (South) Taluk measuring an extent of 880 sq.ft.

PRAYER in W.P.No.20567 of 2015 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay compensation of Rs.20,00,000/- for illegally demolishing the property of the petitioner situated at Old S.F.No.601/2, New S.F No.601/2C, 601/12C, Kurichi Village, Coimbatore (South) Taluk measuring an extent of 697 sq.ft.

For Petitioners : Mr.A.E.Ravichandran
[in both W.Ps]

For Respondents : Mr.P.T.Ramkumar
[For Railways]
[in both W.Ps]



COMMON ORDER

The issues involved in these writ petitions are one and the same. Hence, they are disposed of by this common order.

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2. The relief sought for in W.P.No.20565 of 2015 is to forbear the respondents, their men, agent, Officers or any other person acting through them in any way interfering with the property of the petitioner situated at Old S.F.No.601/2, New S.F.No.601/2C, 601/12C, Kurichi Village, Coimbatore (South) Taluk measuring an extent of 880 sq.ft and in respect of W.P.No.20567 of 2015, the relief sought for is to direct the respondents to pay compensation of Rs.20,00,000/- for illegally demolishing the property of the petitioner situated at Old S.F.No.601/2, New S.F.No.601/2C, 601/12C, Kurichi Village, Coimbatore (South) Taluk measuring an extent of 697 sq.ft.

3. Admittedly, the petitioner filed C.M.A.No.4 of 2015 before the Principal District Court, Coimbatore and the said appeal is pending and an Advocate Commissioner was appointed, who in turn, has not yet submitted the report.

4. The learned counsel appearing on behalf of the respondents Southern Railways pointed out that the notice as well as the actions were initiated in respect of Survey Nos.600/1 and 600/2. However, the writ petitions itself are filed in respect of Survey Numbers in Old S.F.No.601/2, New S.F.No.601/2C, 601/12C. All along from the date of issuance of notice, the Southern Railways clearly mentioned as Survey Nos.600/1 and 600/2 and actions were initiated only in respect of the land belongs to the Southern Railway.

5. However, in view of the said confusion, the Principal District Court also appointed an Advocate Commissioner to conduct an inspection and file a report and two years lapsed and the report is yet to be filed. If the Advocate Commissioner is non Co-operative, then the Principal District Court has to appoint another Advocate Commissioner for the purpose of submission of report as expeditiously as possible. Contrarily, the matter cannot be adjourned for long years even for submission of Advocate Commissioner Report.

6. As far as the relief sought for in the present writ petition is concerned, the Principal District Court has granted an injunction and the same is in force.

7. This being the factum, all the benefits raised in the writ petition may be adjudicated before the Principal District Court in the Civil Miscellaneous Appeal in C.M.A.No.4 of 2015 for the purpose of resolving the issues. The Principal District



Court, Coimbatore is requested to dispose of the Civil Miscellaneous Appeal as expeditiously as possible.

8. With these observations, both the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The General Manager,
Southern Railway,
Park Town,
Chennai - 600 003.

2.The Estate Officer,
Office of the Additional Divisional
Railway Office,
Works Branch, Southern Railway,
Palakkad - 678002.

3.The Principal District Judge,
Coimbatore.

+2cc to Mr.P.T.Ram Kumar, Advocate, S.R.No.2959, 2958

+1cc to Mr.A.E.Ravichandran, Advocate, S.R.No.3166

W.P.Nos.20565 & 20567 of 2015

MT(CO)

KKV/04/02/2022