



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.4910 OF 2019

AND

W.M.P.NO.5595 OF 2019

Dolphin Construction Company
Rep.by its Managing Partner
Mr.R.Prabu
No.49, Battai Street,
Velapadi, Vellore - 632 001.

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Highways & Minor Port,
Fort St.George,
Chennai - 600 009.
2. The Collector,
Vellore District,
Vellore - 632 009.
3. The District Revenue Officer (L.A)
Collector Office, Sathuvachari,
Vellore - 632 009.
4. The Divisional Engineer (Projects)
Highways Department,
5th West Cross Road,
Gandhi Nagar, Vellore - 632 006.
5. The Competent Authority (Tamilnadu)
Regional Director (South)
Agrological Survey of India,
Government of India,
Fort St.George, Chennai - 9.
6. The Chief Bridge Engineer,
Southern Railway,
Egmore, Chennai - 600 008.

... Respondents



Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the fourth respondent from constructing the limited user subway in lieu of the railway gate LC 128 near Vellore Town Railway Station in the protected area of fort Vellore in the petitioner property in T.S.No.1982/2, 1982/3, 1982/4A, 1987, 1986/2A and 1985/1, Vellore North Village, Vellore Taluk without obtaining the permission from the competent authority.

For Petitioner : Mr.P.Chandrasekar
For Respondents : Mr.M.Muthusamy
Government Advocate
(for R1 to R4)
: Mr.G.Karthikeyan (for R5)

O R D E R

This writ petition is filed to issue a Writ of Mandamus forbearing the fourth respondent from constructing the limited user subway in lieu of the Railway Gate LC 128 near Vellore Town Railway Station in the protected area of Fort Vellore in the petitioner property in T.S.No.1982/2, 1982/3, 1982/4A, 1987, 1986/2A and 1985/1, Vellore North Village, Vellore Taluk without obtaining the permission from the competent authority.

2. On written instructions, the learned Government Advocate appearing for the first to fourth respondents submitted that the Construction of Limited Use Subway for the work of "Construction of Road Over Bridge in lieu of existing LC.No.128 at railway km.151/12-13 between Vellore-Katpadi railway stations at km 118/8 of Krishnagiri-Ranipet Road" lies in the prohibited area of Vellore Fort as per the Government of India Gazette Notification No.13 dated 30th March 2010 relating to Ancient Monuments and Archaeological Sites and Remains (Amendment & Validation) Act, 2010 for the purpose of preserving and protecting the monuments of National importance. As per the above Notification, the Construction of Limited Use Subway is not feasible and the same is recommended to the Government.

3. Recording the said submission, this Writ Petition is closed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Highways & Minor Port,
Fort St.George,
Chennai - 600 009.
2. The Collector,
Vellore District,
Vellore - 632 009.
3. The District Revenue Officer (L.A)
Collector Office, Sathuvachari,
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Regional Director (South)
Agrological Survey of India,
Government of India,
Fort St.George, Chennai - 9.
6. The Chief Bridge Engineer,
Southern Railway,
Egmore, Chennai - 600 008.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.778

+2ccs to Mr.P.Chandrasekar, Advocate, S.R.No.531

+1cc to the Government Pleader, S.R.No.1253

W.P.No.4910 of 2019

UM(CO)
RLP(25/01/2022)