



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6916 of 2022

R.Sandeep

...Petitioner

vs.

1. The Divisional Railway Manager,
Trichy Divisional Office,
Works Branch,
Tiruchirappalli.

2. The District Collector,
I Floor, New Collectorate Building,
Manjakuppam, Cuddalore-607 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondent No.1 to consider the petitioner's representation dated 20th December 2021 in respect of acquisition and occupation of lands of about 672.10 sq.mt comprised in Survey No.46/2B in Tiruchopuram Madura Poondiakuppam Village in Cuddalore Taluk belonging to the petitioner and payment of compensation of Rs.21,00,000/- to the petitioner within the time frame as may be fixed by this Court.

For Petitioner : Mr.S.Sridharan

For Respondent R1 : Mr.P.T.Ramkumar

For Respondent R2 : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 20.12.2021 and pay the compensation of Rs.21,00,000/- to the petitioner for his land which was utilized by the Railways.



2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, he is the owner of the land comprised in S.No.46/2B, situated at Tiruchopuram Madura Poondiakuppam Village, Cuddalore Taluk, measuring an extent of 2291 sq.mt. The Railways had acquired and occupied the lands measuring about 672.10 Sq.mt out of the larger extent of the above said land, for the purpose of construction of Subway between Cuddalore and Alapakkam Railway Stations, without issuing any notice to the petitioner and without paying the compensation amount. Though the petitioner sent several reminders to the respondents, there was no response for the same. Thereafter, the petitioner made a representation dated 20.12.2021 before the respondents, however, till date, no orders have been passed on the same and the petitioner was not paid with the compensation for his land acquired by the Railways. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, this Court may issue direction to the 1st respondent to consider the petitioner's representation dated 20.12.2021 and pay the compensation of Rs.21,00,000/- to the petitioner for his land which was utilized by the Railways.

5. Learned standing counsel appearing for the 1st respondent submitted that, adjacent to the disputed land, there is an unmanned level crossing and in order to provide safety to the general public, the respondents have constructed a subway. However, in order to lay the approach road on the right side of the subway, the Railways requested the Revenue officials to measure and acquire the property and handover the same to the railways. In this regard, the learned standing counsel for the 1st respondent produced a copy of the letter dated 24.03.2022 of the Divisional Engineer/ East/ Tiruchchirappalli, addressed to the District Collector, from which it is clear that the approach road for the subway was laid along the existing road connecting the level crossing and the petitioner claimed that a portion of land in which the approach road was laid belongs to him and not to the Government, for which, the railways has requested the Revenue officials to acquire the property and handover the same to the Railways. However, till date, the Revenue Officials have not taken any steps to handover the disputed property. Hence, this Court may issue direction to the 2nd respondent to acquire the land and handover the same to the Railways for the purpose of approach road and for the safety of the general public.



6. Learned Additional Government Pleader appearing for the 2nd respondent fairly conceded that the petitioner's representation dated 20.12.2021 will be considered on merits and the Revenue officials will survey the land and acquire the required land and hand over the same to the 1st respondent within the time that may be fixed by this Court.

7. Heard the arguments advanced by the learned counsel on either side.

8. In view of the above submissions, this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 20.12.2021 on merits and if necessary, acquire the land and fix the compensation and forward the same to the 1st respondent, enabling the 1st respondent to pay the compensation to the petitioner and the said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

skt

To:

1. The Divisional Railway Manager,
Trichy Divisional Office,
Works Branch,
Tiruchirappalli.
2. The District Collector,
I Floor, New Collectorate Building,
Manjakuppam, Cuddalore-607 001.

+lcc to Mr.P.T.Ramkumar, Advocate SR.No.22632
+lcc to Mr.S.Sridharan, Advocate SR.No.23096

W.P.No.6916 of 2022

AK(CO)
CB(25/04/2022)