

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10382 of 2014
and M.P.Nos.1 and 2 of 2014

P.Karthikeyan

... Petitioner

Vs.

1.The District Collector,
Collectorate, Sathuvatchari,
Vellore District,
Vellore.

2.The Divisional Engineer,
Projects Highways, Gandhi Nagar,
Vellore Division, Vellore.

3.The Assistant Divisional Engineer,
Highways, Thirupathur Sub Division,
Saibaba Colony, Thirupathur,
Vellore District.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in connection with the order passed by him in his Proc. Na. Ka. D1/48478/2009 dt 23.1.2014 and quash the same and direct the respondents to provide 3 feet with Service Road while forming the Over Bridge on Railway Track between Pachal - Atchamangalam Village bearing Railway Kadavu No.89 and pay the reasonable and justifiable compensation for the land taken from the petitioner.

For Petitioner : Mrs.M.Srividhya

For Respondents : Ms.Akila Rajendran,
Government Advocate

Order

This Writ Petition has been filed for issuance of writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in connection with the order passed by him in his Proc. Na. Ka. D1/48478/2009 dt 23.1.2014 and quash the same and direct the respondents to provide 3 feet with Service Road.

The case of the petitioner is that his father who retired as Junior Engineer in the Agricultural Department, had purchased a small plot in the name of his mother to an extent of 123.0 sq.mt and put up a house for essential purpose. While so, all of a sudden, the Government have taken a decision to put up an over bridge to over come the difficulties of the Railway Track running between Pachal and Atchamangalam, Kadavaru and the Railway Track is on the Village Road of 45 feet and there is no vehicular traffic. While such being the position, the service road width can be restricted to 3 meters, however the respondents are attempting to put up the service road with a width of 5.5m. and passed the impugned order dated 23.01.2014, informing the necessity of acquisition. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that it is the grievance of the petitioner that all of a sudden, the Government taking a decision to put up a ROB for LC-89 is not correct and further the representations of the petitioner are not even properly considered and it is pending for necessary orders and therefore, the respondents ought not to have taken any steps to put up the service road and prays for quashment of the impugned order.

4. The learned Government Advocate submitted that the railway over bridge lies in urban limits, as per Indian Road Congress (IRC), the minimum width of the urban road is 5.5m and further he submitted that only after the award is passed by the District Revenue Officer and the compensation amount of Rs.4,36,25,327/- was remitted, marking was done to identify the road boundary. Therefore, all the land acquisition procedures have been followed scrupulously without any violation and prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. A perusal of the records reveals that the petitioner has received a compensation amount of Rs.9,18,767/- and further

since the proposed service road lies in urban area, the contention of the petitioner that the proposed service road is village road, is not acceptable and admittedly, a minimum width of 5.5m is absolutely necessary.

7. In view of the above, it appears that the land acquisition process has been carried out by following all the procedures contemplated under law and therefore, the impugned order does not warrants interference of this Court and further it is a policy decision taken by the Government for the sake of public, which cannot be interfered by this Court without any legal impediment.

8. For the reasons aforesaid, this Writ Petition deserves dismissal and accordingly dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

- 1.The District Collector,
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Vellore.
- 2.The Divisional Engineer,
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- 3.The Assistant Divisional Engineer,
Highways, Thirupathur Sub Division,
Saibaba Colony, Thirupathur,
Vellore District.

+1cc to M/s.Srividhya, Advocate SR.No.35754
+1cc to the Government Pleader, SR.No.35932

W.P.No.10382 of 2014

SR II(CO)
CB(22/07/2022)