



W.P.No.25603 of 2023
and W.M.P.No.24991 of 2023

Dr.ANITA SUMANTH, J.

This matter is listed under the caption 'for reporting compliance'.

2. Final orders have been passed in W.P.No.25603 of 2023 on 27.09.2023 and these orders are reiterated in W.P.No.30443 of 2023 as well. The order, for ease of reference, is extracted below:-

"This petition relates to laying a subway by the Railways in Kainoor Village at Arakkonam, Ranipet District. According to the petitioners, this project involving construction of a subway beneath the level cross gate No.32 should not be commenced unless the Railway authorities comply with certain preconditions imposed on it by the District Collector, the fourth respondent vide his proceedings dated 13.06.2022. This condition in essence requires the Railways to provide a service road to access Sholinghur-Arakkonam Main Road, a Highway that runs at a distance to the south of the proposed site for construction of subway.

2. When the matter came up before this Court on an earlier occasion, it was submitted on behalf of the petitioners that right at the point where the layout road which runs within the property of the petitioners, meets the road where the proposed subway is to be constructed, the width of the road has narrowed down considerably. This Court, therefore required the 5th respondent, the Tahsildar, Arakkonam to have a joint inspection along with the Railway officials and to come out with his plan as to whether the access from the main road to the petitioners' layout is denied. The plan is accordingly provided. It shows that at the place where the layout-road of the



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petitioners meets the road where the subway is proposed to be constructed, owing to the construction of the subway, the road width will be narrowed, and the petitioners will have only around 10 ft. to access.

3. The learned counsel for the petitioners would submit that the road that would remain after the construction of the subway will be slightly irregular in dimension, in that as it moves westwards it narrows down considerably to form a triangle.

4. The learned counsel appearing for the respondents 1 and 2, would submit that the petitioners' main insistence is that the Railways should not commence the work without complying with the conditions imposed by the District Collector in his proceedings dated 13.06.2022. This proceedings essentially relates to providing a service road to the Sholinghur-Arakkonam main road, which runs far south from the site of construction of the subway. This is because previously there used to be a westward running road which was only separated by level crossing gate No.32. Since this level crossing would be closed for enabling the construction of the subway, an alternate access must be provided to those who would be affected by this. The alternate pathway which the Collector has considered is Sholinghur-Arakkonam road on the south. Since there are bridges on this road over the same railway-line, the Collector has directed that a service road be provided to access the main road, more particularly, the bridge therein. And the nature of prayer made in the petition has little to do with the road-width available for the petitioners to access the main road from his layout road.

5. The plan provided by the Sub Inspector of Survey, Arakkonam Town, provides the graphic details now required by the Court.

6. This Court finds that the issue raised in the petition is different from the issue argued



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before the Court. So far as the road width that would be left on the completion of the project is around 10ft., which is reasonable for accessing the road, by the petitioners. After all, when a development project such as this takes place for the benefit of all, the same may leave some conveniences. But at the end of the day, the larger public interest shall, and at all times, will have to prevail over the inconvenience caused to an individual or group of individuals."

3. Having found that the developmental project does not call for any intervention, prima facie, this Court also called for compliance of the conditions stipulated by the District Collector that the Railways have not breached any of the conditions in the course of developmental activity. Status report has been filed in W.P.No.25603 of 2023 dated 07.11.2023 wherein the fifth respondent / Thasildar, Arakkonam, states as follows:-

"2. I submit that the Writ petitioner has filed this Writ petition praying for a Writ of Mandamus directing the respondents to stop the encroachment of Railway crossing No.32 (LC-32) tunnel on this property. Pursuant to the writ petition was filed before this Hon'ble Court and this Hon'ble Court was directed me and the Railway Department to conduct enquiry and survey the property and to file a report to this Hon'ble Court. As per the direction of this Hon'ble Court, I am filing this report. I have summoned to the petitioner to present at the property on 25.10.2023 at 10 am at Kainoor village, where the tunnel is constructing by the Railway Department nearby the Railway Gate LC-32. At the time of surveying the property, the first respondent and the Railway department officers were presented at the



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specified date and time. I further submit that the Sub Inspector of Survey, Arakonam Town, Ranipet District was measured the petitioner's property in the presence of the revenue authorities and Railway authorities and the petitioner. At the end of survey, it was confirmed that there is no encroachment in the T.S.No.10/3 and 10/4 which belongs to the writ petitioners. As per the proceeding of the District Collector of Ranipet na.ka.e2/1353/2023 dated 13.06.2022, railway crossing No.32 is not laid on the railway line in the Survey No.78 and 79 of Arakonam Taluk, Kainoor Village. The village road passing through this road is connecting the kainoor village and Arakonam Town. A link road should be constructed from Sholinghur-Arakonam Highway at Kainoor Village. In the letter of the Land Acquisition Officer, Ranipet and District Collector, the Land Acquisition measuring 0.00.90 hectares from S.No.78/5 for industrial purpose act, 1997 under regarding the acquisition of land set up (Limited User subway) proposal is being prepared to send a proposal to get Administrative sanction. As about, through this L.C 32 railway Gate nearly 8 village peoples were crossing nearly 2500 families pass through this railway Crossing. In the interest of public, Ward A, Block 2 and 16 in the Arakonam Municipality Government Promboke path through the T.S.10/2B admeasuring 0.0013.5 sq meter road, T.S.No.16/1B admeasuring 0.0323.5 sq.m. Road and T.S.No.16/2B admeasuring 0.0037.5 sq m municipal park for this only the land acquisition is proposed for construction of railway tunnel but no encroachment has been made for construction of tunnel to Railway crossing No.32 in the petitioner's property in Ward B, Block 2, T.S.No.10/3 and 10/4 is owned by the petitioner. Therefore, there is no encroachment is on the petitioner's property.

3. I further submit that this Hon'ble Court directed me to measure the encroachments by conducting field survey and to file report. As per the directions of this Hon'ble Court. I am



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filing this status report and along with the Filed Survey map and revenue records."

4. As it is now confirmed that there is no encroachment on the petitioner's property, recording this, this writ petition is closed.

07.11.2023

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