



W.P.No.16979 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16979 of 2022
and W.M.P.No.16404 of 2022

S.Shanmugam

... Petitioner

-Vs -

1. The General Manager,
Administration,
Southern Railway,
Madras.
2. The Senior Senction Engineer (P.Wage)
Southern Railways,
Karur.
3. The Divisional Engineer (Central),
Work Branch,
Divisional Office,
Salem.
4. The Senior Section Engineer, (Works),
Southern Railways, Karur.
5. The Assistant Divisional Engineer,
Southern Railways, Karur.
6. The Divisional Railway Manager (Work),
Southern Railways, Salem.



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7. The Divisional Engineer Highways Department,
Construction and Maintenance Office,
Erode.

8. The Assistant Engineer,
NH Section-II Construction &
Maintenance Department,
Erode.

9. The Assistant Divisional Engineer,
NH Section-II Construction &
Maintenance Department,
Erode.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 9 to take action on the notice dated 24.04.2021 and consequently direct the fourth respondent to provide 56' way/access for the petitioner in R.S.No.19/2 as given in the plan, to reach his lands in R.S.No.92/1 and R.S.No.92/2, Punjai Kalamangalam Village, Erode District, an extent of 9.44 acres.

For Petitioner : Ms.P.Veena Suresh
for Mr.K.Krishnan

For Respondents : Mr.Avinash Krishnan Ravi
Central Government Standing Counsel

ORDER

This writ petition has been filed for direction, directing the respondents to take action on the representation submitted by the petitioner by way of notice dated 24.04.2021 to provide access to the



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petitioner in R.S.No.19/2, to reach his lands situated in R.S.No.92/1 and R.S.No.92/2, Punjai Kalamangalam Village, Erode District.

2. The petitioner owned property comprised in R.S.No.92/1 and R.S.No.92/2, Punjai Kalamangalam Village, Erode District. There is railway track on the northern side of the said property and eastern side of the said property, panchayat road is there connecting Erode-Karur road. The said panchayat road handed over to the highways department for putting up an under bridge for the railway level cross. While being so, the respondents now converting all the manned level cross as unmanned lever crossing by constructing under ground bridges. Adjacent to the petitioner's land, the respondents constructed small under ground bridge and parapet wall in the highways and panchayat road. The parapet wall was constructed on both sides i.e., east-west upon 10 feet to 15 feet at LC-12. In the said process, they completely damaged the wire fencing put up by the petitioner which was in existence in the western boundary the petitioner's land.



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3. The petitioner also filed rough plan marking ABCDE. The parapet wall was completed upto AB on the western and CD on the eastern side at measuring 362 feet. 56 feet which was marked as DE was left out without construction in order to reach the petitioner's land. Now the respondents intended to close the entire gap at measuring 56 feet by putting up an arch over the construction of parapet wall as a roofing to the same. Therefore, the petitioner could not able to access any vehicle to his property. Hence, the petitioner filed the present writ petition with the above prayer.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of the counter filed by the respondents 1 to 6 revealed that the side walls of the sub way were constructed along the approaches of the sub way to prevent ingress of water into the subway being build in front of the petitioner's land. The drain currently runs along the road on the right hand side which was used to cross the track under a mentor railway bridge. Therefore, a cross drain is built across the road at the entrance of the subway to maintain the flow of water in the drain and



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further to enable into the petitioner's land. It was also covered by an RCC slab measuring 6 meters with the help of which access to the petitioner's land. At the entrance of the subway, between the subway wall and the petitioner's land, there is communal land ad measuring 4 meters which widens to more than 6 meters providing complete access to the petitioner's land.

6. However, the learned counsel appearing for the petitioner submitted that heavy vehicle cannot take entry into the petitioner's land immediately after taking U-turn from the road. Therefore, it requires minimum 30 feet to access entry into the petitioner's land in heavy vehicle.

7. Considering the above request made by the learned counsel appearing for the petitioner, the respondents are directed to provide not less than 30 feet in R.S.No.19/2 to reach the petitioner's land comprised in R.S.No.92/1 and R.S.No.92/2 situated at Punjai Kalamangalam Village, Erode District, within a period of twelve weeks from the date of receipt of a copy of this Order.



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8. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

13.06.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts

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