



W.P(MD)No.6570 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6570 of 2024

S.Ambrose Janibaker

... Petitioner

Vs.

1.The District Collector,
District Collector Office, Nagercoil,
Kanniyakumari District,
Kanniyakumari-629 001.

2.The Superintendent of Police,
Nagercoil,
Kanniyakumari District-629001.

3.The Regional Transport Officer,
Office of the Regional Transport,
Nagercoil,
Kanniyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents no. 1 to 3 to allow the petitioners Vehicles for transporting gravel and other related materials from Irukanthurai Village, Radhapuram Taluk, to Nagercoil Railway Station yard for the Railway Double Track Development project for the period between 23.02.2024 and 22.05.2024 from 6.00 AM to 6.00 P.M. by considering the representation dated 09.03.2024 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R1 & R3

: Mr.A.Albert James
Government Advocate (crl.side) for R2

ORDER

Heard both sides.

2. The petitioner has been granted contract for transporting gravel and other materials for the petition mentioned railway project. The petitioner has deployed as many as 16 vehicles for the task. The details regarding the vehicles have been mentioned in the affidavit filed in support of the writ petition. The petitioner is however facing difficulty at the hand of the respondents 2 & 3. That led to filing of this writ petition.

3. When the matter was taken up for hearing, the learned Additional Government Pleader produced the copy of the communication dated 24.03.2024 issued by the District Collector. In the said communication, it is stated that since there are many colleges and schools in the road in question, permitting the movement of the heavy vehicles would cause grave inconvenience to the general public. Therefore, meeting is proposed to be convened for regulating the timings. Since the District Collector is having election related duties, the



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meeting is proposed to be held after 30.03.2024. The stand taken by the first respondent is reasonable. But then, the project appears to be a time bound one.

My attention is drawn to the communication dated 23.02.2024 sent by the Senior Section Engineer, Permanent Way, Nagercoil Junction, Southern Railways to the Superintendent of Police, Nagercoil. It is stated therein that the work is to be completed by 22.05.2024. Already, a full one month has gone. Therefore, the issue cannot brook further delay. In the name of election, other emergent works cannot be delayed. The District Collector can convene the meeting to take overall decision for the entire district. In this case, I am concerned only with the question of granting permission to the petitioner for the petition mentioned railway project alone. I therefore direct the respondents to permit movement of the 16 vehicles mentioned in the communication dated 23.02.2024 issued by the Senior Section Engineer. The second respondent is directed to issue an appropriate communication to the petitioner stipulating the timings during which the aforementioned 16 vehicles can ply from the quarry site to the project site. Fixation of timings shall take into account the project requirements. Such a proceedings will be issued within a day from the date of receipt of a copy of this order.



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4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

25.03.2024

Index : Yes / No

Internet : Yes/ No

rmi

NOTE:Issue Order Copy on 26.03.2024

To

1.The District Collector,
District Collector Office, Nagercoil,
Kanniyakumari District,
Kanniyakumari-629 001.

2.The Superintendent of Police,
Nagercoil,
Kanniyakumari District-629001.

3.The Regional Transport Officer,
Office of the Regional Transport,
Nagercoil,
Kanniyakumari District.



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G.R.SWAMINATHAN, J.

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