



W.P.(MD)No.6074 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

WEB COPY

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGOVAN**

W.P.(MD)No.6074 of 2018

T.Balamurugan

... Petitioner

Vs.

1.The General Manager,
Southern Railway,
Park Town,
Chennai – 600 003.

2.The Divisional Railway Manager,
Southern Railway,
Madurai Division,
Madurai.

3.The Divisional Engineer,
Headquarters Office,
Southern Railway,
Park Town, Chennai – 600 003.

4.The District Collector,
Madurai District,
Madurai.

..



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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent herein in Letter No.W.287/62 dated 06.02.2018 and quash the same and direct the respondents 1 to 3 herein to forthwith construct a Limited Use Subway in lieu of the closed Level Crossing No.12 in Madurai-Bodinaickanur Section.

For Petitioner : Mr.C.Mahadevan

For Respondents : Mr.K.R.Laxman – for R1 to R3

Mr.P.Thilak Kumar – for R4

Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.C.Mahadevan, learned Counsel appearing for the petitioner, Mr.K.R.Laxman, learned Counsel appearing for respondents 1 to 3 and Mr.P.Thilak Kumar, learned Government Pleader appearing for the fourth respondent.

2.The learned Counsel for the petitioner submits that a request is made to construct a limited use subway in lieu of the closed Level Crossing No.12 in Madurai-Bodinaickanur Section. The learned



Counsel submits that earlier there was L.C.No.12 and the same was provided to facilitate for crossing the railway line from one side to another. The general public used to use the said L.C.No.12 when the meter gauge track was in operation. Now, today after it is converted to broad gauge, the same was closed. There is no way for the residents to cross the said L.C.

3.The learned Counsel for the Railways submits that the said L.C.No.12 was an unmanned L.C. A policy decision was taken not to have any unmanned L.Cs. It is further submitted that there is a poor train vehicle unit. Except the petitioner's coconut field, there are no residents in the nearby vicinity of said L.C.No.12 and there is no approach road on the either side of the L.C.No.12.

4.The decision of having a subway or a level crossing or an underpass is the job of experts. It is for the experts to consider the feasibility of the level crossing constructed on subway. The Court cannot substitute the opinion of the experts. The request of the petitioner was considered and it is opined that no roadway is connected to the villages beyond the closed unmanned L.C.No.12 and only a coconut farm is available towards the left side of the old metre gauge track and the owner of the same is the petitioner. No person is residing beyond the track portion.



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5.In the light of that, we cannot consider the request of the petitioner. Accordingly, the Writ Petition stands disposed of. No costs.

[G.I., J.]

[S.V.G., C.J.]

27.02.2024

Index : Yes / No
Neutral Citation : Yes / No
MR

To

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THE HONOURABLE CHIEF JUSTICE
and
G.ILANGO VAN, J.

MR

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