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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1139 of 2025 and W.M.P.No.1382 of 2025

1.K.Periyasamy

2.K.Jothi

... Petitioners

Vs.

1.The Chief Administrative Officer,
Southern Railways (Construction),
Egmore, Chennai - 600 008.

2. The District Collector Cum Land Acquisition Officer,
District Collectorate,
Kallakurichi.

3. The Deputy Chief Engineer,
Southern Railways (Constructions)
Southern Railway Office Complex,
Salem -5.

4. The Special Tahsildar (Land Acquisition)
Chinna Salem to Kallakurichi Broad Gauge Railway Project,
Collectorate Complex,
Kallakurichi.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1 to 4 respondents to provide a service road facility from the southern side of Kallakurichi - Thiyagathurgam road, on the Eastern side of proposed



railway station at Kallakurichi in the land acquired from the petitioners and others, enabling the petitioners for their ingress and egress from such road to their land situate in S.Nos.219/4B and 218/2 in Kallakurichi, Kallakurichi Taluk and District, by considering the 1st petitioner's representation dated 16.08.2024, within the time frame as fixed by this Court.

For Petitioner : Mr.S.Senthil

For R1&R3 : Mr.B.Sudhir Kumar,
Special Government Pleader

For R2&R4 : Mr.A.Selvendran,
Special Government Pleader

ORDER

The petitioners' grievance in this writ petition is that their lands had been acquired for forming a Broad Gauge Railway Line from Chinna Salem to Kallakurichi, by way of award dated 13.08.2024 in Award No.11, Na.Ka.Aa.1/2674/2019.

2. The petitioners would submit that a State Highway No.68 was running in the East-West direction from Kallakurichi Bus Stand to Thiyyagadurgam, which is on the northern side of the petitioners' land. Prior to acquisition proceedings, the petitioners had a direct access from the said State Highway on the northern side to the petitioners' land. However the proposed railway line which runs in a North-South direction crosses Kallakurichi Bus Stand to Thiyyagadurgam Road through the petitioners'



land. Therefore, the petitioners cannot have access to the State Highway.

That apart, there is no other pathway for the petitioners to enter into their lands. The petitioners therefore gave a representation to the respondents on 23.01.2023. The 2nd respondent by his letter dated 10.03.2023 had forwarded the petitioners' representation to the 3rd and 4th respondents to take appropriate action, but no fruitful action was taken by the respondents. Subsequently, the petitioners individually sent another representation to the second respondent on 25.07.2024 seeking to provide service road facility on entire stretch of the Eastern side of the proposed railway station from the South of Kallakurichi - Thiyagadurgam road enabling the petitioners to have ingress and egress to their lands. Yet another representation for the said purpose was also made on 03.09.2024. However, these representations are yet to be taken up for consideration. Aggrieved by the same, the petitioners are before this Court.

3. Heard the learned counsels on either side.

4. From the contentions of the petitioners, it appears that by acquiring their lands, access to the highway had been cut off and this has caused great hardship to the petitioners. The petitioners have made their representations on 23.01.2023, 25.07.2024 and 03.09.2024 to the respondents to consider and provide a service road facility. Though the last



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representation was submitted as early as in the month of September 2024, the respondents have not taken any necessary steps in considering the representation.

5. Therefore, taking note of the fact that the respondents have failed to discharge their statutory duties, a mandamus is issued to the respondents 1 to 4 to consider the petitioners' representations dated 23.01.2023, 25.07.2024 and 03.09.2024 after giving a personal hearing to the petitioners to putforth their case and thereafter pass orders. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected W.M.P is closed.

22.01.2025

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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