



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2015

CORAM:

**THE HONOURABLE DR.JUSTICE S.TAMILVANAN**  
**and**  
**THE HONOURABLE MR.JUSTICE V.S.RAVI**

W.P. (MD) .No.4234 of 2015  
and M.P (MD) .Nos.1 and 2 of 2015

P.Ilangovan

... Petitioner

Vs.

1. Government of Tamil Nadu  
Rep. by its Secretary to Government  
Department of Municipal Administration  
and Water Supply,  
Secretariat, Chennai - 9.
2. The Commissioner  
Department of Municipal Administration  
and Water Supply,  
VI Floor, Ezhilagam,  
Anna Building, Chepauk, Chennai - 5.
3. Government of Tamil Nadu  
Rep. by its Secretary to Government  
Public Works Department,  
Secretariat, Chennai - 9.
4. The Inspector General of Registrar  
Department of Registration,  
100, Santhome Salai, Chennai - 28.
5. The Director  
Tamil Nadu Town and Country  
Planning Department,  
Chepauk, Chennai - 5.
6. The Commissioner  
Land Administration,  
Chepauk, Chennai - 5.
7. The District Collector, Karur District.
8. The Commissioner  
Karur Municipality,  
Karur.



9. The Assistant Director  
Tamil Nadu Town and Country  
Planning Department,  
100, Williams Road, Trichy.

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10. The Revenue Divisional Officer  
Karur District.

11. The Tahsildar  
Karur Taluk Office, Karur District.

12. The Assistant Engineer  
Public Works Department and Water  
Resources Organization,  
Amaravathi Basin,  
Sub Division No.4, Karur.

13. The Executive Engineer  
Public Works Department and Water  
Resources Organization,  
Amaravathi Basin,  
Sub Division No.4, Dharapuram

14. The District Registrar  
Karur Collectorate, Karur - 2.

15. The Sub Registrar  
Karur West, Karur - 1.

... Respondents

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 9th respondent in ROC.No.1636/13/TR2, dated 18.08.2014 and quash the same and consequently, direct the respondents to locate the new bus stand of Karur Municipality in some other place.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.K.Chellapandian, AAG

assisted by

Mr.A.K.Baskarapandian, Spl.G.P

for R1 to R7 and R9 to R15

Mr.K.Balasubramani for R8

### ORDER

(Order of the Court was made by S.TAMILVANAN,J)

The Writ Petition has been filed, invoking Article 226 of the Constitution of India, in the nature of *Pro bono publico*, seeking an order of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 9th respondent in

ROC.No.1636/13/TR2, dated 18.08.2014 and quash the same and consequently, direct the respondents to locate the new bus stand of Karur Municipality in some other place.

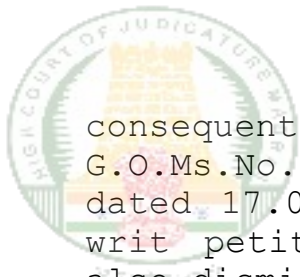
2. Heard the learned counsel appearing for the petitioner, learned Additional Advocate General appearing for the respondents 1 to 7 and 9 to 15 and the learned counsel appearing for the 8th respondent.

3. Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 1 to 7 and 9 to 15 submitted that the petitioner has no *locus standi* to file the writ petition, in the nature of *Pro bono publico* and drew the attention of this Court to Page No.103 of the typed set of papers, copy of the order passed by the Assistant Director, Tamil Nadu Town and Country Planning, Trichy, the ninth respondent herein. It is only a consequential order, wherein G.O.Ms.No.76, Housing and Urban Development UD-4(2) Department, dated 17.07.2014 and other Government Orders are referred. A copy of the G.O.Ms.No.76, Housing and Urban Development UD-4(2) Department, dated 17.07.2014 is also available at Page No.101. It is further submitted by the learned Additional Advocate General that a decision was taken as per procedure known to law, to locate the bus stand for Karur Municipality by the Local body, that was approved by the Government.

4. Learned Additional Advocate General further submitted that in the said G.O, dated 17.07.2014, the survey numbers and the name of the villages, including the total extent 12.15 acres of land have been specifically stated. However, without challenging the aforesaid G.O< dated 17.07.2014, the petitioner has challenged only a consequential order passed by the ninth respondent on 18.08.2014 and further earlier writ petitions in W.P.Nos.18881, 19749 of 2013 and W.P.Nos.536 and 2746 of 2014, seeking similar orders, to decide the location for the bus stand of Karur Municipality were dismissed and even SLP preferred by the writ petitioners therein were also dismissed, However, the present writ petition has been filed for similar relief, which is not legally maintainable.

5. Mr.P.Muthusamy, learned counsel appearing for the petitioner referring an agreement relating to irrigation of well water by one Nachimuthu, son of Marappa Gounder and others, argued that the relief sought for in the writ petition is based on a different footing, hence, maintainable.

6. Admittedly, the petitioner is not a party to the said agreement, referred to by the counsel for the petitioner. Even if he is a party, he could approach only the Civil Court and establish his independent claim, if any. However, based on an agreement, the petitioner cannot maintain a public interest litigation, as contended by the learned Additional Advocate General. The petitioner has challenged only a



consequential proceeding of the 9th respondent, issued based on G.O.Ms.No.76, Housing and Urban Development UD-4(2) Department, dated 17.07.2014 and further, it is not in dispute that earlier writ petitions were dismissed and Special Leave Petitions were also dismissed by the Hon'ble Supreme Court.

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7. We are of the considered view (1) that no writ petition could be maintainable, based on a disputed question of fact; (2) the petitioner is not entitled to challenge the consequential order passed by the 9th respondent, without challenging the order passed by the Government in G.O.Ms.No.76, Housing and Urban Development UD-4(2) Department, dated 17.07.2014; (3) After the dismissal of the Special Leave Petitions preferred by the writ petitions in similar writ petitions, it is not open to the petitioner to file the present writ petition, merely by producing an unregistered document, relating to some other relief, in the nature of *Pro bono publico*, otherwise known as Public Interest Litigation.

8. On the said facts and circumstances, we are of the view that this writ petition is only an abuse of process of law and the same cannot be encouraged, in the form of '*Pro bono publico*'. Hence, we are of the considered view that the writ petition is liable to be dismissed. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, no order as to costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government  
Department of Municipal Administration  
and Water Supply,  
Secretariat,  
Chennai - 9.
2. The Commissioner  
Department of Municipal Administration  
and Water Supply,  
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Sub Division No.4, Dharapuram-638 656
14. The District Registrar  
Karur Collectorate, Karur - 2.
15. The Sub Registrar  
Karur West, Karur - 1.

+One cc to M/s.P.Muthusamy, Advocate, SR.No.14866  
+One cc to The Special Government Pleader, SR.No.14843  
nbj  
RL/18c - 6/5/2015 W.P(MD)No.4234 of 2015  
25.03.2015