



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.17786 of 2016

Allibala @ Balamurugan

.. Petitioner

Vs.

1.The Executive Officer,
Kamayagoundenpatty Town Panchayat
Uthammapalayam Taluk
Theni District

2.The Assistant Director,
Town Planning
No.4, Ajmalkhan Road,
Chinnachokkikulam, Madurai.

3.The Director,
Town Planning
No.207 Annasalai
chennai.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 2 and 3 to appoint the special team to enquire the illegality of approval of residential plots in S.No.A724/20 (gh) 1592/A(4), 1594 and consequently take steps to initiate the departmental proceedings against the 1st respondent for the loss to the State.

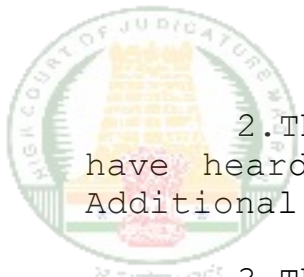
For Petitioner : Mr.M.A.M.Raja

For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Government Pleader

ORDER

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

The petitioner claims to be a resident of Kamayagoundanpatti Village in Theni District. He has come up with this public interest litigation seeking a direction to the respondents 1 to 3 to appoint a special team to enquire into the illegalities in the matter of approval of residential plots in S.No.A724/20 (III), 1592/2a(4), 1594 and consequently take steps to initiate departmental proceedings against the 1st respondent.



2.This writ petition has come up today for admission. We have heard the learned counsel for the petitioner, the learned Additional Government pleader for the respondents.

3.The learned Additional Government Pleader would submit that the lay out was approved as early as in the year 2011 by the authority under Town and Country Planning Act. The first respondent only approved the building plans.

4.The learned counsel for the petitioner would submit that there are lot of violations in the matter of giving approval of the lay out. If that is the case, the remedy lies elsewhere. So far as this writ petition is concerned, it is seen that the petitioner, for the lay out laid in the year 2011, after having witnessed that several buildings had come up, at the fag end, ie., after six years, only with a view to settle some personal score with some others, has filed this writ petition that too under the guise of public interest. It appears that there is no public interest involved at all and the petitioner has abused the process of the Court only to project his private interest. Therefore, no relief could be granted in this matter. Accordingly, this petition is dismissed. No costs. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

1.The Executive Officer,
Kamayagoundenpatty Town Panchayat
Uthammapalayam Taluk, Theni District

2.The Assistant Director,
Town Planning, No.4, Ajmalkhan Road,
Chinnachokkikulam, Madurai.

3.The Director,
Town Planning, No.207 Annasalai, Chennai.

+1 CC to Mr.M.A.M.RAJA, Advocate, SR No.53598
+1 CC to Mr.T.S.MOHAMED MOHIDEEN, Advocate, SR No.53133
+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.53956

ORDER MADE IN
W.P(MD)No.17786 of 2016
and WMP No.12826 of 2016
19.09.2016