

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.24149 of 2017

O.M.Ravi Rajini,
Managing Trustee,
Omalur Jeeva Samathi OM
Sri Sarabanga Rishi Trust,
Door No.3, 7th Ward, Makkan Street,
Omalur Taluk,
Salem.

...Petitioner

Vs.

1.The Director of Town Panchayats,
Kuralagam,
Chennai - 108.

2.The District Collector,
Collectorate,
Salem District.

3.The Revenue Divisional Officer,
Mettur,
Salem.

4.The Tahsildar,
Taluk Office,
Omalur, Salem.

5.The Executive Officer,
Selection Grade Town Panchayat Office,
Omalur, Salem.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1-5 to consider the petitioner's written representation dated 21.2.2017 and to direct the respondents 1-5 to duly survey the land property belonging to the Omalur Panchayat in Survey No.73/3, 1B, 5A2 of Kottamettupatti Village and evict the hawkers, demolish the unauthorised constructions and also collect the defaulted rentals payable to the Omalur Panchayat till date.

For Petitioner : Mr.Thanga Vadhana
Balakrishnan
For Respondents : Mr.M.K.Subramanian
Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition by way of public interest has been filed seeking orders in the nature of writ of mandamus directing respondent Nos.1 to 5 to consider the representation of the petitioner dated 21st February 2017, to direct respondent Nos.1 to 5 to survey the land belonging to the Omalur Panchayat in Survey No.73/3, 1B, 5A2 of Kottamettupatti Village, and evict the hawkers, demolish the unauthorised constructions and to collect the defaulted rentals payable to the Omalur Panchayat.

2. The petitioner claims to be a resident of the locality. It is nobody's case that the hawkers have either encroached the roads or have encroached on pavements. We find no public interest in evicting the hawkers, who are hawking on land belonging to the Omalur Panchayat.

3. In the writ petition, it is pleaded that there are about 184 shops on the land and those who operate from the shops have defaulted in payment of rents. If there is default in payment of rents, it is for the Omalur Panchayat to take action for recovery of rents. The petitioner can have no interest in this matter.

4. We do not find any public interest in this writ petition, which is dismissed. It is however made clear that this order will not prevent the Omalur Panchayat from taking necessary action in accordance with law, if required against the persons in occupation of its land. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

bbr

To:

1.The Director of Town Panchayats,
Kuralagam, Chennai - 108.

2.The District Collector,
Collectorate,
Salem District.

3.The Revenue Divisional Officer,
Mettur, Salem.

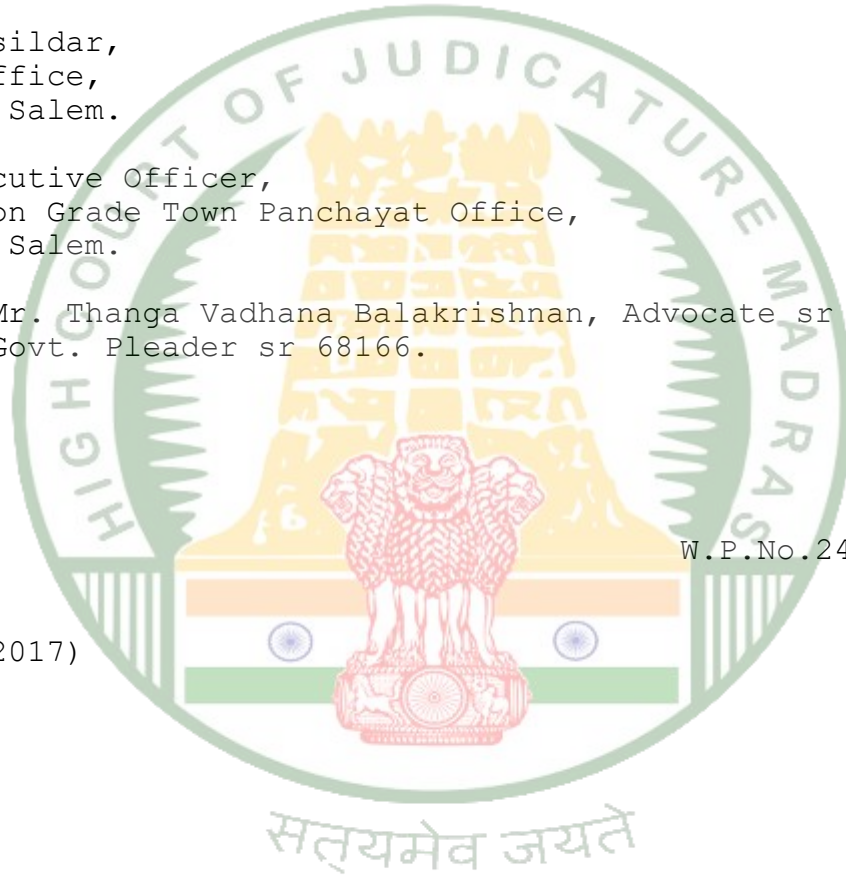
4.The Tahsildar,
Taluk Office,
Omalur, Salem.

5.The Executive Officer,
Selection Grade Town Panchayat Office,
Omalur, Salem.

+1 CC to Mr. Thanga Vadhana Balakrishnan, Advocate sr 67888.
+1 Cc to Govt. Pleader sr 68166.

RSI (CO)
sp(11/10/2017)

W.P.No.24149 of 2017



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