

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.01.2019

CORAM :
THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.24102 of 2018

C.Vigneshwaran

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Near Charing Cross,
Udhagamandalam - 643 001.

2.The Municipal Commissioner,
Coonoor Municipal Office,
10, Mount Road, Kumaran Nagar,
Coonoor, The Nilgiris.

3.The Tahsildar,
Taluk Office, Coonoor,
The Nilgiris.

4.R.Sudharshan ... Respondents
(R4 impleaded vide order dated 09.11.2018
made in W.M.P.No.29311 of 2018)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the 3rd respondent to take action to remove the encroachment as per the instruction of the 1st respondent and based on the representation of the petitioner dated 25.04.2018 and restore and protect the water course area within the time frame.

For Petitioner : Mr.S.Arokia Maniraj

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R3)

Mrs.Hema Sampath, Senior Counsel
for Mrs. R.Meenal (R4)

O R D E R
(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus directing the 3rd respondent to take action to remove the encroachment as per

the instruction of the 1st respondent and based on the representation of the petitioner dated 25.04.2018 and restore and protect the water course area within a time frame.

2. In the affidavit filed in support of the Writ Petition, the petitioner has stated that one Sudharshan, who belongs to Political Party has encroached the water course land and illegally constructed a Temple without obtaining any permission or approval from the Competent Authority. Subsequently, the said Sudharshan was impleaded as the 4th respondent in the Writ Petition.

3. In the counter filed by the 4th respondent, he has stated that the petitioner has married his sister's daughter and that there are several cases pending between the petitioner and his niece. The 4th respondent has also stated that a criminal case was also registered against the petitioner for domestic violence and he has also filed a petition for divorce. In view of the enmity between the petitioner and the 4th respondent, the petitioner has filed the Writ Petition as a Public Interest Litigation as though public interest is involved for removal of the encroachment.

4. The learned counsel for the petitioner also admitted the relationship between the petitioner and the 4th respondent.

5. Since there are several litigations and cases pending between the petitioner and the family members of the 4th respondent, it is a clear case of personal enmity between the petitioner and the 4th respondent. Since the petitioner has got personal interest in the matter, it cannot be termed as a Public Interest Litigation. Even in the affidavit filed in support of the Writ Petition, the petitioner has mentioned the 4th respondent as a stranger, suppressing the relationship between him and the 4th respondent.

6. In these circumstances, we are of the view that the petitioner has filed the Writ Petition as a Public Interest Litigation only to ventilate his personal enmity with the 4th respondent. In these circumstances, the Writ Petition is devoid of merits and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va

To

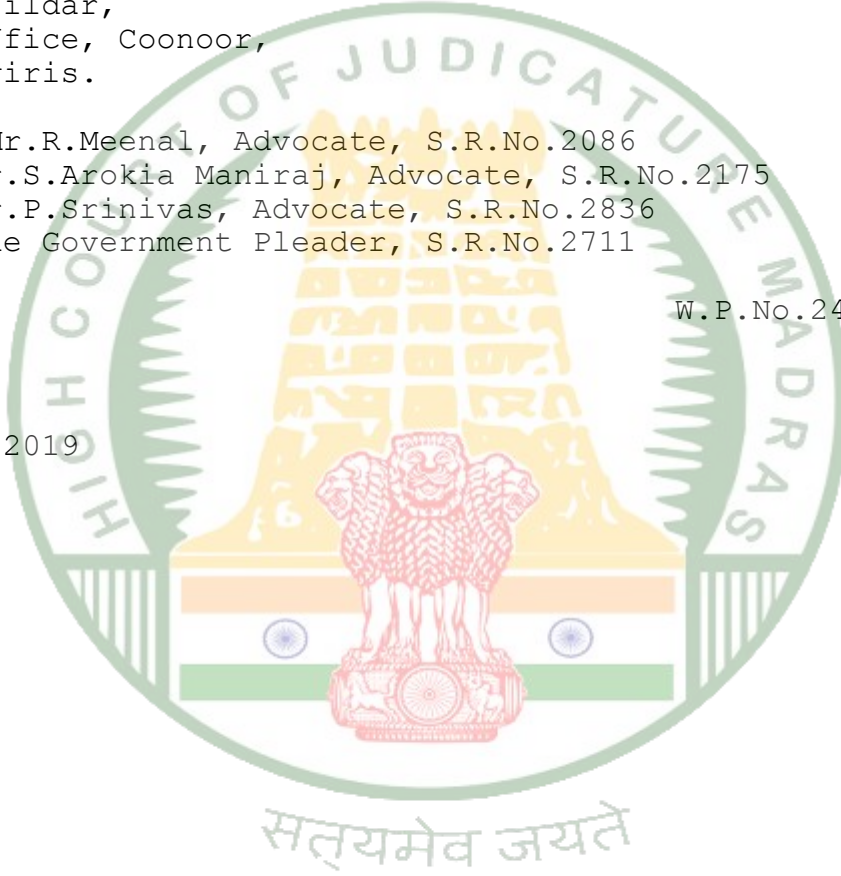
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- 3.The Tahsildar,
Taluk Office, Coonoor,
The Nilgiris.

+2ccs to Mr.R.Meenal, Advocate, S.R.No.2086
+1cc to Mr.S.Arokia Maniraj, Advocate, S.R.No.2175
+1cc to Mr.P.Srinivas, Advocate, S.R.No.2836
+1cc to the Government Pleader, S.R.No.2711

W.P.No.24102 of 2018

VG-II(CO)

rrs 05/02/2019



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