

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.26200 of 2018  
and W.M.P.No.30419 of 2018

K.Karthikeyan

... Petitioner

Vs.

- 1.The Principal Secretary to  
the Government of Tamil Nadu,  
Rural Development and  
Panchayat Raj Department,  
Fort St.George, Chennai - 600 009.
- 2.The District Collector,  
Salem District, Salem.
- 3.The Project Director,  
District Rural Development Agency,  
Salem District, Salem.
- 4.The Tahsildar,  
Omalur Taluk,  
Omalur, Salem District.
- 5.The Block Development Officer,  
Omalur Panchayat Union,  
Omalur, Salem District.
- 6.M.Jagadheesan
- 7.P.P.Manimegalai

- 8.The Correspondent,  
Sivagamiammal - Subramaniam  
Nursery and Primary School,  
Tholasampatti, Omalur Taluk,  
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus to call for the records relating to the proceedings of the 5<sup>th</sup> respondent made in Na.Ka.No.1311/2018/thi.1 dated 06.04.2018 and

in Na.Ka.No.1/2017-2018 dated 09.11.2017 respectively and the consequential order of the Tahsildar, Omalur Taluk dated 18.07.2017 in proceedings Dis.No.3531/17/(B2) to quash the same and consequently direct the respondents 1 to 3 herein to take appropriate action against the respondents 6 & 7 as well as 8<sup>th</sup> respondent Institution based on the representation of the petitioner dated 14.06.2018.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.V.Jayaprakash Narayanan,  
Government Pleader (i/c) (R1 to R5)

Dr.R.Gowri (R8)

R6 & R7 - no appearance

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition as Public Interest Litigation to issue a Writ of certiorarified mandamus to call for the records relating to the proceedings of the 5<sup>th</sup> respondent dated 06.04.2018 and 09.11.2017 and the consequential order of the Tahsildar, Omalur Taluk dated 18.07.2017, to quash the same and consequently direct the respondents 1 to 3 to take appropriate action against the respondents 6 to 8 based on the representation of the petitioner dated 14.06.2018.

2.In the affidavit filed in support of the petition, the petitioner has stated that the respondents 6 to 8 have put up construction in Survey No.30/9B without obtaining permission. Further, the petitioner has contended that based on a forged resolution of the Panchayat, the 5<sup>th</sup> respondent granted planning permission on 08.01.2014 to construct building in favour of the 8<sup>th</sup> respondent - Institution without even conducting inspection and without following the mandatory procedure under the Act in connivance of the respondents 6 & 7.

3.The learned counsel for the respondents submitted that the petitioner has filed the Writ Petition as a Public Interest Litigation only to harass the respondents 6 to 8 with whom he is having personal enmity.

4.Further, it is brought to the notice of this Court that a Civil Suit is pending in respect of the very same subject matter between the petitioner's father and the respondents 6 to 8. However, the petitioner has not disclosed the said fact in the affidavit filed in support of the petition.

5.On a perusal of the pleadings available before us, it is clear that the petitioner has got personal enmity with the respondents 6 to 8, which prompted him to file the present Writ Petition. When the petitioner has got personal enmity, he should not have filed the Writ Petition as a Public Interest Litigation. Even a criminal case in Crime No.530 of 2014 was also lodged by the petitioner's father.

6.The Writ Petition filed as a Public Interest Litigation by the petitioner cannot be entertained for the reason that he has filed the Writ Petition only for his personal interest. In these circumstances, we are not inclined to entertain the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to  
the Government of Tamil Nadu,  
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- 2.The District Collector,  
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- 3.The Project Director,  
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Salem District, Salem.
- 4.The Tahsildar,  
Omalur Taluk,  
Omalur, Salem District.
- 5.The Block Development Officer,  
Omalur Panchayat Union,  
Omalur, Salem District.

+1cc to M/s.Dr.R.Gowri, Advocate SR.No.1982

+1cc to Mr.C.Prabakaran, Advocate SR.No.2489

+1cc to Government Pleader SR.No.2307

SAI (CO)

GMV (29/01/2019)



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