



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

W.P(MD)NO.6256 OF 2019

G.Lakshmanan

:Petitioner

.vs.

- 1.The District Collector,
Office of the Collectorate,
Tirunelveli,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Collectorate Campus, Tirunelveli,
Tirunelveli District.
- 3.The Tahsildar,
Taluk Office,
Sankarankovil,
Sankarankovil Taluk,
Tirunelveli District.
- 4.The Block Development Officer,
Office of the Block Development Office,
NGO Colony, Sankarankovil Taluk,
Tirunelveli District.

5.Karuppiah

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents 1 to 3 to remove the encroachment made by the fifth respondent by erecting the PVC Pipe line in common pathway in S.No.108/19, 108/40, 108/42, 108/55 including Card Track in Government Poramboke land in S.No.116/4 of Karivalamvanthanallur Village, Sankarankovil Taluk, Tirunelveli District based on the consideration of the Petitioner's representation, dated 10.12.2018 within the time frame fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioner

:Mr.V.Muthuvelan



For Respondents
1 to 4

:Mr.A.K.Baskarapandian,
Special Govt.Pleader

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O R D E R

[Order of the Court was made by **S.S.SUNDAR.,J.**]

This Writ Petition has been filed as a Public Interest litigation to direct the Respondents 1 to 3 to remove the encroachment made by the fifth respondent by erecting the PVC Pipe line in common pathway in S.No.108/19, 108/40, 108/42, 108/55 including Card Track in Government Poramboke land in S.No.116/4 of Karivalamvanthanallur Village, Sankarankovil Taluk, Tirunelveli District based on the consideration of the Petitioner's representation, dated 10.12.2018 within the time frame fixed by this Court.

2.The learned counsel for the Petitioner is unable to produce any material before this Court as to the manner in which the public pathway or common pathway or cart track had been encroached upon by the fifth respondent. Any person, who wants to file a Public Interest Litigation should collect the minimum document/particulars to prove his case and then to approach this Court. The learned counsel for the Petitioner submitted that a public cart track is obstructed. However, he is unable to tell this Court as to how the underground pipeline would cause obstruction of pathway or cart track. This Court cannot conduct a roving enquiry even to ascertain the basic facts. Hence this Court is unable to entertain this Writ Petition and thus the Writ Petition deserves dismissal.

3.Accordingly, this Writ Petition stands dismissed. It is open to the Writ Petitioner to approach this Court afresh, in case, the Petitioner collects necessary particulars and materials, so as to make this Court understand the nature of encroachment, which is allegedly made by a third party. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Collector,
Tirunelveli,
Tirunelveli District.



2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Collectorate Campus, Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Taluk Office,
Sankarankovil,
Sankarankovil Taluk,
Tirunelveli District.

4.The Block Development Officer,
Office of the Block Development Office,
NGO Colony, Sankarankovil Taluk,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-55003[F] dated 19/03/2019)

VSN

ORDER MADE IN
W.P (MD) NO.6256 OF 2019
18.03.2019

KM/ (03.04.2019) 3P 6C