

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.7861 OF 2020
AND WMP 9271/2020

P.CHELLADURAI

VS

...petitioner

1.THE ADDITIONAL CHIEF SECRETARY,
Revenue Administrative Commissioner,
Revenue Administration Department,
Chepauk, Chennai 5

2.The District collector,
Perambalur district.

3.The District Revenue Officer,
Perambalur District,
Perambalur.

4.The Revenue Divisional Officer,
Perambalur District,
Perambalur.

5.The Tahsildar,
Veppanthattai Taluk,
Perambalur District

6.Premalatha

... respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment caused by the 6th respondent in the Grama Natham Poromboke Land belonging to the Government in S.NO.199/2, 201/01 and 201/02 at West colony, Pasumballur Village, Veppanthattai Taluk, Perambalur District.

For Petitioner : Mr.C.Samivel
For respondents 1-5 : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

(Made by DR.VINEET KOTHARI, J.)

The Court was held by Video Conference, as per the Resolution of the Full Court dated 30th April 2020, by Judges at the respective residence offices and the counsel, staff of the Court appearing from their respective residences.

2. Mr.P.Chelladurai, son of Palanimuthu, has filed the present writ petition purportedly as a Public Interest Litigation, seeking a direction to the Revenue Authorities of the State to evict the private respondent No.6, Premalatha, wife of Mr.Tamilarasan, on the ground that she has encroached the land in question in S.No.199/2, 201/01 and 201/02 at West Colony, Pasumballur Village, Veppanthattai Taluk, Perambalur District, as she has encroached the property in question with the collusion of the Revenue Authorities of the State and that the Revenue Authorities have not taken any action against the said Premalatha. The petitioner describes himself to be a Pujari of some temple situate in nearby area and therefore, under the guise of Public Interest Litigation, he has approached this Court by way of the present writ petition.

3. After having heard the learned counsel for the petitioner and on perusal of the affidavit filed by the petitioner in the present case, it appears that the present petition is not a bona fide Public Interest Litigation. Further, it appears to be some private dispute between the parties and to unleash the private vendetta against the sixth respondent, the present writ petition has been filed.

4. Paragraph 4 of the affidavit filed by the petitioner gives the details of sub-division of the land in question and also the survey numbers in question. All these details by a public spirited person for filing the public interest litigation is wholly unnecessary. Therefore, it appears that a dispute against the private party is tried to be sorted out by the abuse of Public Interest Litigation jurisdiction of this Court under Article 226 of the Constitution of India. The said jurisdiction is not only wide, but has to be invoked with a great caution and care and only bona fide public interest matters can be taken up in such jurisdiction. Private disputes of this nature cannot be taken up as public interest litigation. If the petitioner, who is a Pujari of the temple in question, has any grievance against a particular individual like the sixth respondent, civil suit is the only appropriate remedy.

5. We are, therefore, not inclined to entertain the writ petition and the same is liable to be dismissed. Accordingly,

the writ petition is dismissed. No costs. Consequently,
connected WMP is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

kpl/tar

To

- 1.The Additional Chief Secretary,
Revenue Administrative Commissioner,
Revenue Administration Department,
Chepauk, Chennai 5
- 2.The District collector,
Perambalur district.
- 3.The District Revenue Officer,
Perambalur District, Perambalur.
- 4.The Revenue Divisional Officer,
Perambalur District, Perambalur.
- 5.The Tahsildar,
Veppanthattai Taluk, Perambalur District

Copy To

Premalatha,
W/o.Tamilarasan,
Perambalur(North) Village,
Veppanthattai Taluk,
Perambalur District.

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W.P.No.7861 of 2020

CA (CO)
GN(06/08/2020)