

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.NO.9374 OF 2020
AND
W.M.P.NO.11509 OF 2020

R.Navaneetham Rajan ... Petitioner

Vs.

1.The District Collector,
Ranipet,
Ranipet District.

2.The Revenue Development Officer,
Ranipet,
Ranipet District.

3.The Tahsildar,
Arakkonam,
Ranipet District.

4.R.Samson Jayakumar Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of mandamus directing the 2nd respondent to
dispose of the petitioner's representation dated 30.06.2020,
affording opportunity of personal hearing, within stipulated
period.

For Petitioner .. Mr.M.Sathish Kumar

For Respondents .. Ms.RJ.Radhika,
Govt. Advocate for R1 to R3
Mr.G.Jeremiah for R4

ORDER

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

The petitioner herein has filed this pro bono seeking a
direction to the second respondent to dispose of the

representation dated 30.06.2020 to the effect that the fourth respondent has put up construction over the water body.

2.Learned counsel appearing for the petitioner submitted that the documents filed would show that the fourth respondent has put up construction over water body.

3.Learned counsel appearing for the fourth respondent, placing reliance upon the counter affidavit filed along with the typed set of documents, submits that there is no public interest involved. The grandfather of the petitioner purchased the property in the year 1972. A suit was filed by his mother in O.S.No.41 of 2016 against seven persons in which the defendants 4 and 5 are the father-in-law and brother-in-law of the petitioner. The suit was decreed on 09.09.2019 for permanent injunction. Therefore, there is no bonafide involved. Learned counsel further submitted that patta is also issued by the third respondent as early as 21.07.2016.

4.Considering the submissions made, we do not find any public interest involved. It is unbelievable that the petitioner did not know the factum of filing of the suit in O.S.No.41 of 2016 followed by decree dated 09.09.2019. The petitioner's father-in-law and brother-in-law were parties to the suit. When a public interest litigation is filed, a party is expected to follow the principle of due diligence and make a thorough research. The petitioner was aware of the patta issued by the third respondent in the year 2016.

5.In such view of the matter, we are of the view that the writ petition filed is totally misconceived. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The District Collector,
Ranipet,
Ranipet District.

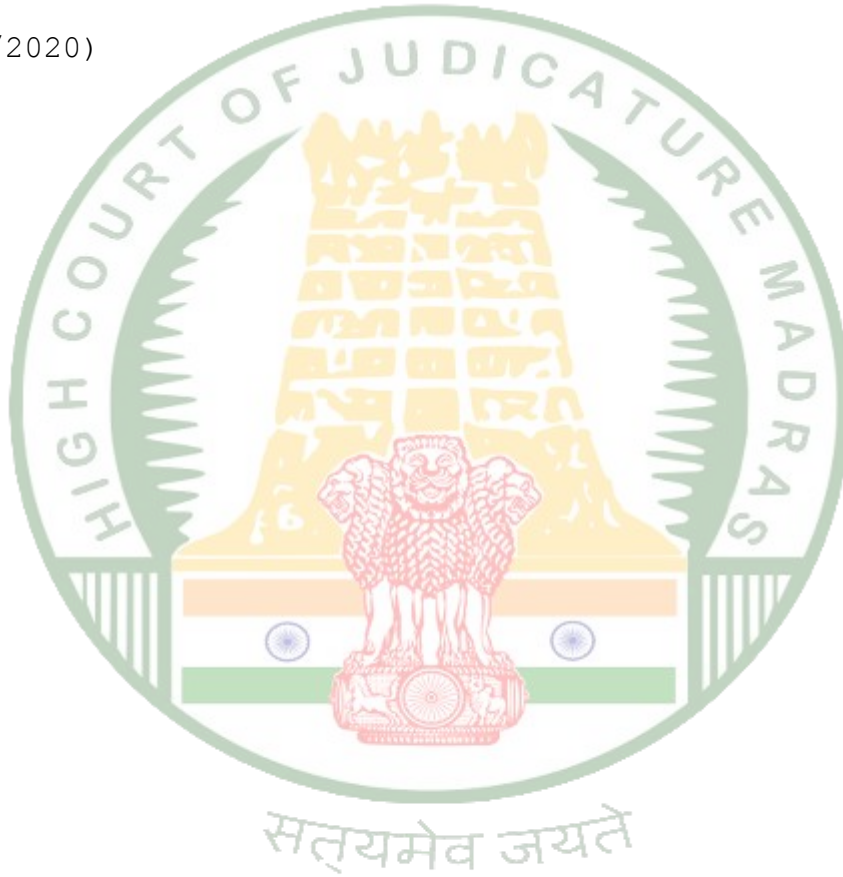
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2.The Revenue Development Officer,
Ranipet,
Ranipet District.

3.The Tahsildar,
Arakkonam,
Ranipet District.

W.P.No.9374 of 2020

PA (CO)
NRA (11/12/2020)



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