

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5410 of 2021

J.Sankar

... petitioner

Vs

- 1 The District Collector
Chengalpet District Collector Office
Chengalpet 603 001
 - 2 The Tahsildar
Sholinganallur Taluk Office Sholinganallur
Chennai 600 119
 - 3 The Block Development Officer
St. Thomas Mount Panchayat Union Office
Chitlapakkam Chennai 600 064
 - 4 Mr. Daas
 - 5 Sai Baba Flats Association
Flat No. 228 Bhagyalakshmi Nagar 1st Street
Sunnambukulathur Kovilambakam
Chennai 600 117
- ... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to evict encroachments of unauthorized occupation by private establishments in Survey No. 380/ 6A1A1A1 and Survey No. 378/1 in Madipakkam Village records blocking two of the three access roads to the prime 200 feet Radial Road (Pallavaram - Thuraipakkam) in Kagithapuram and Bagyalakshmi Nagar areas situated at Kovilambakam Sholinganallur Taluk Chengalpet District based on the representation of the petitioner dated 16.11.2020

For Petitioner : Mr.K.Sankar
For Respondents: Mr.V.Jayaprakash Narayanan,
State Government Pleader

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of encroachment by respondents 4 and 5 on a public road. He further states that a representation dated 26.11.2019 was issued in this connection by the petitioner to the second respondent but that no action was taken.

2. In several matters of this nature, this court had observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation unless the matter has a significant impact on the larger public interest.

3. Accordingly, without examining the merits or tenability of the petitioner's representation, the second respondent herein is directed to consider such representation and dispose of the same by a speaking order after providing a reasonable opportunity to all affected parties, including respondents 4 and 5. Such speaking order shall be issued within a period of six weeks from the date of receipt of a copy of this order. In the event the petitioner is aggrieved thereby, it is open to the petitioner to pursue legal remedies, otherwise than by way of a public interest litigation, after establishing his locus standi.

4. W.P.No.5410 of 2021 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The District Collector,
Chengalpet District Collector Office,
Chengalpet 603 001.
- 2 The Tahsildar,
Sholinganallur Taluk Office Sholinganallur,
Chennai 600 119.

3 The Block Development Officer,
St. Thomas Mount Panchayat Union Office,
Chitlapakkam, Chennai 600 064.

+1cc to the Government pleader Sr.15208
+1cc to Mr.K.Sankar, Advocate Sr.14759

W.P.No.5410 of 2021

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srg 22/03/2021



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