

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.4613 of 2021

R.Ramesh Kumar

...Petitioner

Vs

1 The Divisional Engineer
Highways Department Trichy Road
Coimbatore 641 018.

2 The Tashildar
Madukkarai Taluk
Coimbatore District.

3 The District Collector
Coimbatore District

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents to remove encroachment in the road in S.F.No.14 of Thirumalaiyampalayam village of Madukkarai Taluk of Coimbatore District which is passing through petitioners village and connecting the Paladurai village with a National Highway Road in Pitchanur by considering the representation of the petitioner dated 30/12/2020.

For Petitioner : Mr.N.Ponraj

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

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains about the alleged encroachment on S.F.No.14 of Thirumalaiyampalayam Village in Madukkarai Taluk of Coimbatore District. As a consequence, the petitioner asserts that road widening is being impeded. The petitioner further states that a representation was submitted in this regard to the official respondents on 30.12.2020 but that no action has been 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 respondents 1 and 2 herein are directed to consider such representation and dispose of the same by a speaking order after providing a reasonable opportunity to all affected parties. 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.4613 of 2021 is disposed of. There will be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

- 1 The Divisional Engineer
Highways Department Trichy Road
Coimbatore 641 018.
- 2 The Tashildar
Madukkarai Taluk
Coimbatore District.
- 3 The District Collector
Coimbatore District

+1 CC to The Government Pleader sr 13143.

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AAB (CO)
SP(18/03/2021)