

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.4568 of 2021

T.Manimaran

... Petitioner

Vs

1 The District Collector Cum President
District Rural Development Agency
Perambalur District

2 The Project Director
District Rural Development Agency
Perambalur District

3 The Tahsildar
Alathur Taluk
Perambalur District.

4 The Block Development Officer
Alathur Panchayat Union
Perambalur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 and 4 from laying a single layer metal road on the survey Nos. 238 239 227 267 and 279 (classified as vella Vaari) in Bujangarayanallur Village Alathur Taluk Perambalur District in respect of work order serial number 1 and 2 dated 07.11.2020 made in Na.Ka.No.A3/1683/ 2020 based on the representation dated 04.01.2021.

For Petitioner : Mr.C.Prabakaran

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

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains about the construction of a single layer metal road in specific survey numbers in a Village. The basis of objection is that the road runs through lands that are classified as Vellavaari i.e. a type of waterbody. The petitioner asserts that in spite of submitting a representation on 04.01.2021 in this regard, 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 respondents 3 and 4 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.4568 of 2021 is disposed of. Consequently, W.M.P.No.5197 of 2021 is closed. There will no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

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सत्यमेव जयते Sub Assistant Registrar

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To:

- 1 The District Collector Cum
President,
District Rural Development Agency,
Perambalur District .
- 2 The Project Director,
District Rural Development Agency,
Perambalur District.

3 The Tahsildar,
Alathur Taluk,
Perambalur District.

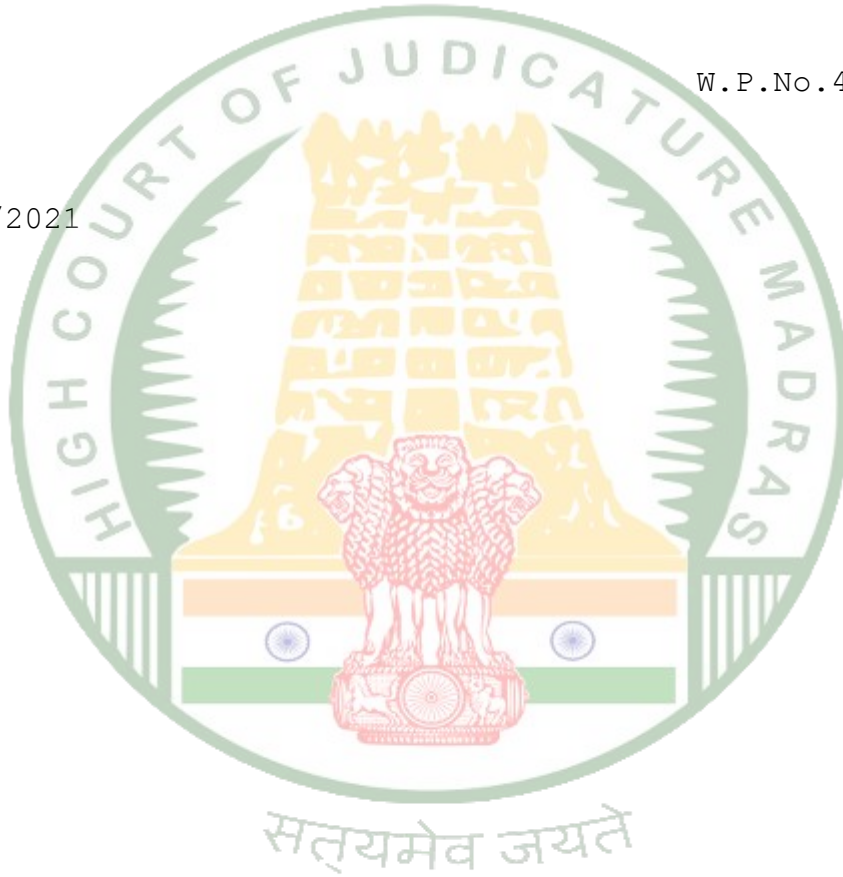
4 The Block Development Officer,
Alathur Panchayat Union,
Perambalur District.

+lcc to M/s.C.Prabakaran, Advocate Sr.12868

+lcc to the Government pleader Sr.13145

W.P.No.4568 of 2021

gp[co]
srg 16/03/2021



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