

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.3901 of 2020

M.Selvan

..Petitioner

Vs.

1. The District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Gobichettipalayam Taluk,
Erode.
3. The Revenue Tahsildar,
Gobichettipalayam Taluk,
Erode District.
4. The Village Administrative Officer,
Siruvalur Village,
Gobichettipalayam Taluk,
Erode District.

5. Mohankumar

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made on the road S.No.386/3 at Siruvalur Village, Gobichettipalayam Taluk, Erode District by considering the petitioner representation dated 19.9.2019.

For Petitioner

: Mr.R.Shase

For Respondents

: Mr.K.S.Suresh

Government Advocate
for respondent Nos.1 to 4

: Mr.Eswarkumar

for respondent No.5

ORDER

(Order of the Court was made by
SENTHILKUMAR RAMAMOORTHY, J.)

This writ petition pertains to the alleged encroachment made on the road in S.No.386/3 in Siruvalur Village, Gobichettipalayam Taluk, Erode District.

2. The petitioner is a resident of the village concerned and complains that there is an encroachment on a specific survey number which is a burial ground. It is further stated that a representation has been given by the petitioner in this connection on 19.9.2019, but no action was taken thereon.

3. In several cases of this description, this Court observed that it is not possible to exercise discretionary jurisdiction in public interest litigation unless the matter involves a significant impact on the larger public interest.

4. Accordingly, without examining the merits of the representation issued by the petitioner, the official respondents concerned are directed to consider the representation dated 19.9.2019 and dispose of the same by a speaking order after providing a reasonable opportunity to the fifth respondent herein and any other affected parties. Such order shall be passed within 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 a public interest litigation, after establishing his locus standi.

W.P.No.3901 of 2020 is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Gobichettipalayam Taluk,
Erode.

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3. The Revenue Tahsildar,
Gobichettipalayam Taluk,
Erode District.

4. The Village Administrative Officer,
Siruvalur Village,
Gobichettipalayam Taluk,
Erode District.

+lcc to Mr.M.Guruprasad, Advocate, S.R.No.6447

W.P.No.3901 of 2020

RSV(CO)
KKV/23/02/2021



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