

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.6336 OF 2021

Mr.S.M.Govindasamy,
S/o Muthusamy Gounder,
The Secretary,
People Health and Development Council,
No.22, East Street, Sottaiyampalayam,
R.N.Pudur Post,
Erode - 638 005.

.. Petitioner

-vs-

1. The District Collector,
Perunthurai Road,
Erode - 638 001.
2. The Revenue Divisional Officer,
Erode Division,
Erode - 638 001
3. The Tahsildar,
Erode North Taluk,
Erode - 638 001.
4. BSNL telephone exchange Office,
Chittode, Erode District.
5. Mr.Subramani,
S/o Vimalasami Gounder,
Erode Road, Chittode,
Erode - 638 102.

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to retrieve the lands comprised in S.No.144, 107/1 & 107/2 which is earmarked as Burial ground in the Revenue

records from the encroachers viz., respondents 4 and 5 by considering the petitioner's representation dated 23.10.2020.

For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.K.S.Suresh,
Government Advocate
for R1 to R3

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy,J.)

The petitioner complains of encroachment on government poramboke lands, which were used as a burial ground. The writ petitioner asserts that these lands were used by the people of the village as a burial ground and that the fourth respondent, BSNL Telephone Exchange, and the fifth respondent, Subramani, have encroached on these lands. It is also asserted that a representation of 23.10.2020 was submitted in this connection to respondents 1 to 3, but no action was taken thereon.

2. In several earlier writ petitions of this nature, this Court observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation unless the matter involves significant public interest.

3. Accordingly, without examining the merits of the representation submitted by the writ petitioner, the third respondent is directed to consider such representation and dispose of the same by a speaking order within a period of eight weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to all the affected parties, including respondents 4 and 5. In the event the writ petitioner is dissatisfied with the decision taken by the third respondent, it is open to the writ petitioner to initiate legal proceedings in accordance with law, otherwise than by a public interest litigation, after establishing his locus standi in this regard.

4. W.P.No.6336 of 2021 is disposed of on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Perunthurai Road,
Erode - 638 001.
2. The Revenue Divisional Officer,
Erode Division,
Erode - 638 001
3. The Tahsildar,
Erode North Taluk,
Erode - 638 001.
4. BSNL Telephone Exchange Office,
Chittode, Erode District.

+1cc to Mr.P.G.Thiyagu, Advocate, S.R.No.16170
+1cc to the Government Pleader, S.R.No.16122

W.P.No.6336 of 2021

GMI (CO)
CS/29/03/2021