

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM :

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

W.P.No.9638 of 2020

K.Parvathi

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Petitioner

Vs

- 1.The District Collector,
Cuddalore District,
Collectorate,
Cuddalore - 607 001.
- 2.The Revenue Divisional Officer,
Appellate Committee at Divisional Level,
Manjakuppam,
Cuddalore - 607 001.
- 3.The Tashildar,
Panruti Taluk,
Cuddalore - 607 106.
- 4.M/s.Chemplast Sanmar (P) Ltd.,
rep. by its Managing Director,
Kadampuliyur Post, Panruti,
Cuddalore - 607 103.

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 to 3 to initiate action on the representations of the petitioner dated 15.03.2019, 21.06.2019 and 16.09.2019 in respect of the removal of the illegal encroachments/unauthorised constructions in the light of G.O.(Ms) No.540 dated 04.12.2014 and remove the encroachments within a time frame.

For Petitioner

: Mr.R.Ganesh Kumar

For Respondents

: Mr.K.S.Suresh
Government Advocate
for respondent Nos.1 to 3

: Mr.T.Ravichandran
for respondent No.4

ORDER

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

This writ petition is filed in respect of the alleged encroachments by the fourth respondent. The writ petitioner relies upon a RTI application and the reply thereto to assert that encroachments have been made by the fourth respondent. These assertions are denied by the fourth respondent, who has filed a counter-affidavit. The petitioner states that representations were given in this regard on 15.03.2019, 21.06.2019 and 16.09.2019, but no action has been taken thereon.

2. In several cases 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. Consequently, without examining the merits or tenability of the representations dated 15.03.2019, 21.06.2019 and 16.09.2019, this writ petition is disposed of by directing the third respondent to consider the representations of the petitioner and dispose of the same by a speaking order after providing a reasonable opportunity to the affected parties, including the fourth respondent. In the event the petitioner is aggrieved by such decision, it is open to the petitioner to pursue her legal remedies in accordance with law, otherwise than by a public interest litigation, after establishing her locus standi in that regard.

4. W.P.No.9638 of 2020 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

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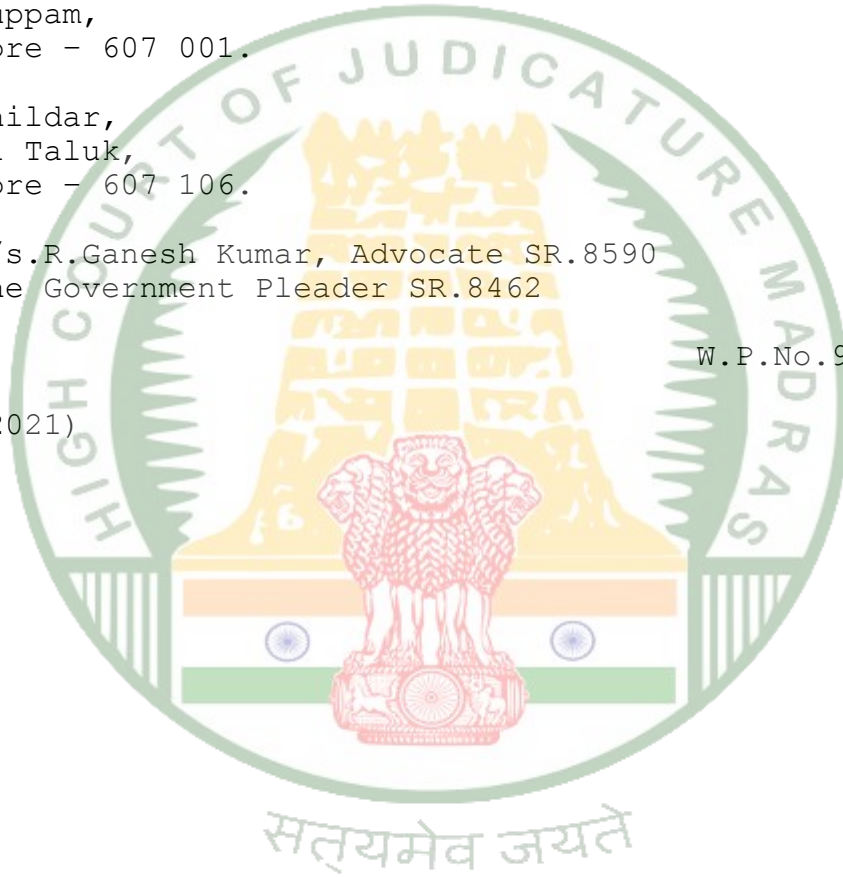
To:

- 1.The District Collector,
Cuddalore District,
Collectorate,
Cuddalore - 607 001.
- 2.The Revenue Divisional Officer,
Appellate Committee at Divisional Level,
Manjakuppam,
Cuddalore - 607 001.
- 3.The Tashildar,
Panruti Taluk,
Cuddalore - 607 106.

+1cc to M/s.R.Ganesh Kumar, Advocate SR.8590
+1cc to the Government Pleader SR.8462

W.P.No.9638 of 2020

GP(CO)
CB(01/03/2021)



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