

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.6997 of 2020

K.Periyasamy

... Petitioner

-vs-

1.The District Collector,
Perambalur District.

2.The District Revenue Officer,
D.R.O. Office,
Perambalur District.

3.The Tasildar,
Alathur,
Perambalur District.

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

.. Respondents

सत्यमेव जयते

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 09.10.2019 and thereby directing respondents 1 to 4 to remove the illegal encroachments and to restore the lake to its original position as Pond made by the third parties over the "Pillanian Kulam" situated in S.No.5/5 to the extent of 1.53 hectare and restore the Pond as it is original position as water body by removing the constructions made by the third parties.

For Petitioner : Mr.Manojkumar
for Mr.M.Balaji

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

ORDER

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

The writ petitioner complains about the alleged illegal encroachments of a pond called "Pillanian Kulam". It is further stated that a representation was submitted in this connection on 09.10.2019.

2. Mr.V.Jayaprakash Narayanan, learned State Government Pleader appearing for the respondents, submits that action was initiated to identify and remove the encroachments and referred to the counter-affidavit filed in this connection. He further submits that further action could not be taken on account of the COVID-19 pandemic.

3. In several earlier writ petitions of this nature, this Court observed that it is not inclined to entertain public interest litigation unless the matter concerned involves the larger public interest. Accordingly, without examining the merits of the representation made by the writ petitioner, the official respondents are directed to consider such representation and dispose of the same by a speaking order within a period of six weeks from the date of receipt of a copy of this order. In the event the writ petitioner is aggrieved by the decision of the official respondents, it is open to the writ petitioner to pursue his remedies in accordance with law, otherwise than by a public interest litigation, after establishing his locus standi in this regard.

4. W.P.No.6997 of 2020 is disposed of on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1.The District Collector,
Perambalur District.
- 2.The District Revenue Officer,
D.R.O. Office,
Perambalur District.
- 3.The Tasildar,
Alathur,
Perambalur District.
- 4.The Block Development Officer,
Alathur,
Perambalur District.

+lcc to the Government Pleader, S.R.No.5388

RSI(CO)
SM/16/02/2021

W.P.No.6997 of 2020



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