

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM :

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

W.P.NO.8640 OF 2020

P.Harish Kumar

... Petitioner

Vs.

1. The Secretary to Government
Municipal Administration & Water
Supply Department
Secretariat, Fort St. George
Chennai 600 009.
2. The Secretary to Government
Environment & Pollution Control Department
Secretariat, Fort St. George
Chennai 600 009.
3. The District Collector
Office of the District Collector
Collectorate, Tiruvallur 602 001.
4. The Tahsildar
Ponneri Taluk, Thiruvallur District
Ponneri 601 204.
5. The Executive Engineer
Kosasthlayar River Basin - Thiruvallur
PWD Campus, JN Road
Thiruvallur 602 001.
6. The President
Subba Reddy Palayam Village Panchayat
Subba Reddy Palayam Village & Post
NCTPS (SO), Ponneri Taluk
Thiruvallur District
Chennai 600 120.
7. Abirami Brick Works
rep. by its Authorised person Damodaran
Vellivoyal Chavadi Panchayat

Near Subba Reddy Palayam Village
NCTPS (SO), Ponneri Taluk
Thiruvallur District
Chennai 600 120.

8. Srinivasa Brick Works
rep. by its Authorised person D.Babu
Vellivoyal Chavadi Panchayat
Near Subba Reddy Palayam Village
NCTPS (SO), Ponneri Taluk
Thiruvallur District
Chennai 600 120.
9. Ambal Brick Works
rep. by its Authorised person Shakthi
Vellivoyal Chavadi Panchayat
Near Subba Reddy Palayam Village
NCTPS (SO), Ponneri Taluk
Thiruvallur District
Chennai 600 120.
10. Geetha Brick Works
rep. by its Authorised person Dasarathan
Vellivoyal Chavadi Panchayat
Near Subba Reddy Palayam Village
NCTPS (SO), Ponneri Taluk
Thiruvallur District
Chennai 600 120.
11. Dhanalakshmi Brick Works
rep. by its Authorised person Sathyamurthy
Vellivoyal Chavadi Panchayat
Near Subba Reddy Palayam Village
NCTPS (SO), Ponneri Taluk
Thiruvallur District
Chennai 600 120.
12. Parasakthi Brick Works
rep. by its Authorised person B.Jayakumar
Subba Reddy Palayam Village & Post,
NCTPS (SO), Ponneri Taluk
Thiruvallur District
Chennai 600 120.
13. Subbu Lakshmi Brick Works
rep. by its Authorised person Selvam
Subba Reddy Palayam Village & Post,
NCTPS (SO), Ponneri Taluk
Thiruvallur District
Chennai 600 120.

... Respondents

Prayer:

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the third respondent to pass orders to restrict movement of heavy commercial and multi axle vehicles in Subba Reddy Palayam Panchayat & Union Road and over the bridge laid on Kasasthalayar River between Gounderpalayam and Subba Reddy Palayam Village situated at Subba Reddy Palayam Village, Ponneri Taluk, Tiruvallur District, pursuant to the petitioner's representation dated 20.05.2020.

For Petitioner : Mr.M.Himavanth

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader
for respondents 1 to 5

Mr.E.Balamurugan
for respondent - 6

Mr.M.L.Ramesh
for respondents 7 to 12

ORDER

(Made by the Hon'ble Chief Justice)

There is a proliferation of public interest litigation that calls upon the judiciary to undertake fundamental works only capable of being performed by the Executive.

2. The writ petitioner claims that the interest of an entire village is involved over here in how certain machinery or vehicles are allowed to be used in a particular area. Without waiting for the writ petitioner's representation to be considered by the local authorities and without issuing a reminder to the representation, the first stop is the High Court of the State. Such conduct cannot be appreciated. If the petitioner is a villager, then he has a personal element of interest involved and such matters cannot be converted into public interest litigations and the Division Bench of the Constitutional Court disturbed.

3. Without going into the merits of the claim made by the petitioner, the petitioner is permitted to make a representation to the local administration. It will be for the writ petitioner to find out who the appropriate authority is to address the issues that the writ petitioner wishes to be addressed and, if the writ petitioner is dissatisfied with the response, the writ petitioner will have liberty to file a writ petition, but not by way of public interest.

W.P.No.8640 of 2020 is disposed of. There will be no order as to costs. As a consequence, WMP No.10460 of 2020 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Secretary to Government
Municipal Administration & Water
Supply Department
Secretariat, Fort St. George
Chennai 600 009.
2. The Secretary to Government
Environment & Pollution Control Department
Secretariat, Fort St. George
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Kosasthlayar River Basin - Thiruvallur
PWD Campus, JN Road
Thiruvallur 602 001.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.3453
+1cc to Mr.M.L.Ramesh, Advocate, S.R.No.3446
+1cc to the Government Pleader, S.R.No.3691

W.P.No.8640 of 2020

SV(CO)
CS/11/02/2021