

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P.No.10463 of 2019

B.Chandaravelavan

.. Petitioner

-vs-

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Revenue Divisional Officer,
Chengalpattu, Kancheepuram District.
- 3.The Tahsildar,
Thirukazhukundram Taluk,
Kancheepuram District.
- 4.The Revenue Inspector,
Pon Vizhaintha Kalathur,
Thirukazhukundram Taluk,
Kancheepuram District.
- 5.The Village Administrative Officer,
Sogandi Village & Post, P.V.Kalathur (Via)
Thirukazhukundram Taluk,
Kancheepuram District.

- 6.E.Raviraj
- 7.R.Murugan
- 8.C.Boopathy
- 9.R.Nataraj
- 10.S.Dass
- 11.K.Dilli
- 12.V.Elumalai
- 13.N.Saraswathi
- 14.K.Mani
- 15.P.Chinnaraj
- 16.B.Devadoss
- 17.U.Ravi
- 18.B.Kumar
- 19.S.Dass

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20.A.Raju
21.A.Ganapathi
22.A.Jeevananthan
23.M.Markandan
24.D.Dharman
25.P.Chinnakkannu
26.N.Ravi
27.K.Dhanush

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 5 to remove the encroachment of the Respondents 6 to 27 and others in Survey Nos.178, 192 & 197 of Sogandi Village, Thirukazhukumdram Taluk, Kancheepuram District based on the Letters of the 2nd respondent vide Na.Ka.No.798/2018/A2 dated 23.03.2018 and Na.Ka.No.798/2018/A2 dated 12.12.2018 within the time to be stipulated by this Court.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr.V.Jayaprakash Narayanan
State Govt. Pleader
for RR 1 to 5

ORDER

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

This writ petition has been filed in respect of alleged encroachment by respondents 6 to 27 in specific survey numbers of Sugandi Village, Thirukazhukumdram Taluk, Kancheepuram District.

2.The case of the writ petitioner is that representations were submitted by the writ petitioner and that in response thereto, the Revenue Divisional Officer had directed that action be taken to remove the said encroachments. In spite of the aforesaid direction, no action was taken.

3.In several matters pertaining to encroachment of land and waterbodies, this Court had observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation unless the matter involves the larger public interest.

4.Accordingly, without examining the merits of the representation submitted by the writ petitioner, respondents 2 to 5 are directed to consider such representation and dispose of the same by a speaking order, after taking into consideration

all previous correspondence and after providing a reasonable opportunity to all the affected parties. Such speaking order shall be issued within a period of eight weeks from the date of receipt of a copy of this order. In the event the writ petitioner is aggrieved by the disposal of the representation, it is open to the writ petitioner to pursue legal remedies, otherwise than by a public interest litigation, after establishing his locus standi.

This writ petition, W.P.No.10463 of 2019, is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
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Chengalpattu, Kancheepuram District.
- 3.The Tahsildar,
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Kancheepuram District.
- 5.The Village Administrative Officer,
Sogandi Village & Post, P.V.Kalathur (Via)
Thirukazhukundram Taluk,
Kancheepuram District.

+1cc to Mr.M.Vijayaragavan, Advocate, S.R.No. 5457
+1cc to the Government Pleader, S.R.No. 5096

W.P.No.10463 of 2019

LN(CO)
GN(16/02/2021)