

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.22023 of 2019

M.Govindaraj ... Petitioner

Vs

1. The District Collector,
Dharmapuri.
 2. The Block Development Officer,
Kariamangalam,
Dharmapuri District.
 3. The Tahsildar,
Palacode,
Dharmapuri District.
 4. The Officer-in-charge (Clerk),
Ganapathi Panchayat (Belrampatti Office),
Palacode Taluk,
Dharmapuri District. .. Respondents
- (Cause title in respect of respondent No.2
amended as per order dated 18.9.2019)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 2 and 3, to forthwith remove the encroachment in the public road between Kesarguli Dam Main Road and the Forest Oorani being the border for Belrampatti Village (measuring a breadth of 9 meters to 20 meters) in pursuant to the representation dated 18.2.2019 and 1.3.2019.

For Petitioner

: Mr.R.Selvakumar

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos. 1 to 3

ORDER

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

This writ petitioner seeks a direction to respondents 2 and 3 to forthwith remove the encroachment in the public road between Kesarguli Dam Main Road and the Forest Oorani being the border for Belrampatti Village (measuring a breadth of 9 meters to 20 meters). The petitioner states that representations were given in this regard on 18.2.2019 and 1.3.2019, 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. Accordingly, without examining the merits of the representations dated 18.2.2019 and 1.3.2019, the official respondents concerned are directed to 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, after providing a reasonable opportunity to the affected parties. In the event the petitioner is aggrieved by such decision, it is open to the petitioner to pursue his remedies in accordance with law, otherwise than by a public interest litigation, after establishing his locus standi in that regard.

4. W.P.No.22023 of 2019 is disposed of on the above terms. There will be no order as to costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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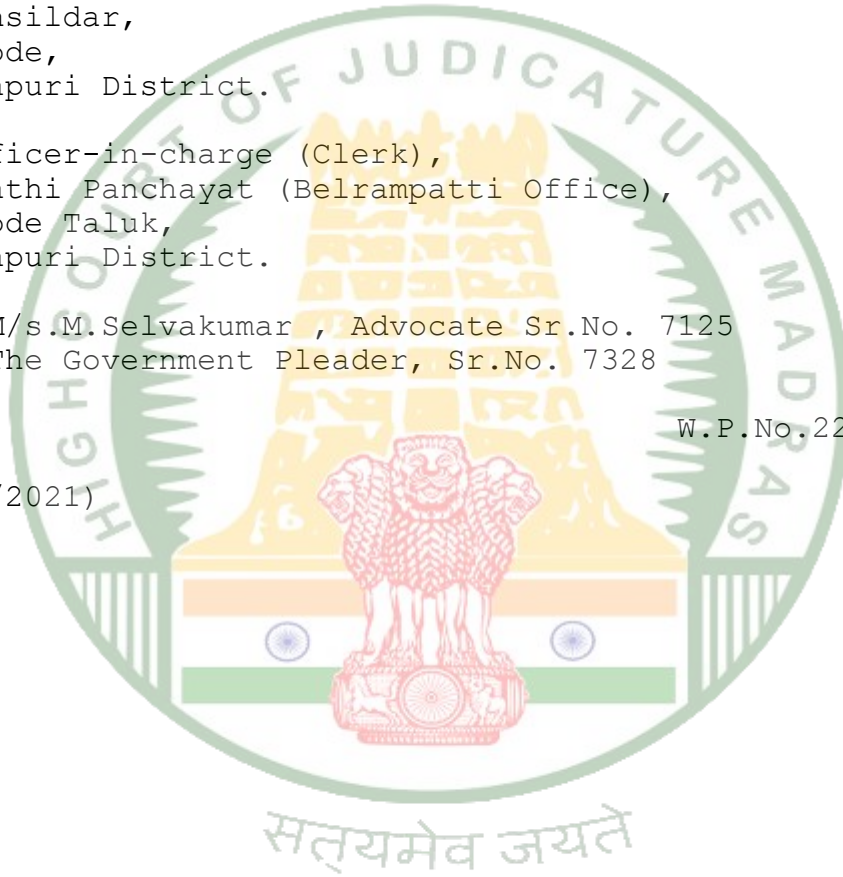
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Ganapathi Panchayat (Belrampatti Office),
Palacode Taluk,
Dharmapuri District.

+1 cc to M/s.M.Selvakumar , Advocate Sr.No. 7125

+1 cc to The Government Pleader, Sr.No. 7328

W.P.No.22023 of 2019

MG (CO)
RMP (01/03/2021)



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