

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.13519 of 2020

V.Karthick Prabhu

.. Petitioner

Vs

1 The Executive Engineer
Tamil Nadu Housing Board
TATABAD, Coimbatore - 641 012.

2 Tamil Nadu Highway Department
Rep. by its Superintending Engineer
Coimbatore Circle, Coimbatore North Taluk
Coimbatore - 641 114.

3 The Divisional Engineer
Highways, Construction and Maintenance
Coimbatore.

4 Coimbatore City Municipal Corporation
Rep. by its Commissioner
Big Bazaar Street, Town Hall
Coimbatore - 641 001.

5 K.Ramakrishnan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 to 4 to remove the encroachment made by the 5th respondent and demolish the temporary illegal construction in the name of Periyar Padipagam situated in T.S.No.1289/103 of Ganapathy Village, Siddhapudur Housing Colony near State Express Transport Corporation Bus Stand, Gandhipuram, Coimbatore to the extent of 2800 sq.ft.

For Petitioner : Mr.K.Narayanan

For Respondents : Mr.K.S.Suresh
Government Advocate
respondents 2 and 3

ORDER

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

The writ petitioner seeks a direction to respondents 1 to 4 to remove the encroachment made by the 5th respondent and demolish the temporary illegal construction in the name of Periyar Padipagam situated in T.S.No.1289/103 of Ganapathy Village, Siddhapudur Housing Colony near State Express Transport Corporation Bus Stand, Gandhipuram, Coimbatore, to the extent of 2800 sq.ft. The petitioner states that a representation was given in this regard on 15.2.2020, 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 representation dated 15.2.2020, 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.13519 of 2020 is disposed of on the above terms. There will be no order as to costs.

WEB COPY
Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The Executive Engineer
Tamil Nadu Housing Board
TATABAD, Coimbatore - 641 012.
- 2 The Superintending Engineer
Tamil Nadu Highway Department
Coimbatore Circle, Coimbatore North Taluk
Coimbatore - 641 114.
- 3 The Divisional Engineer
Highways, Construction and Maintenance
Coimbatore.
- 4 The Commissioner
Coimbatore City Municipal Corporation
Big Bazaar Street, Town Hall
Coimbatore - 641 001.

+1 cc to M/s.Ganthimathi, Advocate Sr.No. 8229
+1 cc to M/s.Ramachandrasmurthy, Advocate Sr.No. 8006
+1 cc to The Government Pleader, Sr.No. 8059

W.P.No.13519 of 2020

MG(CO)
RMP(22/02/2021)

सत्यमेव जयते

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