

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.16322 of 2020

M.Ramachandiran

... Petitioner

Vs.

1. The District Collector
District Collectorate Office
Villupuram District.
2. The Sub Collector
Sub Collectorate Office
Villupuram District.
3. Block Development Officer
Block Development Office
Vanur Taluk,Villupuram District.
4. The Tahsildar
Vanur Taluk
Villupuram District.
5. Velayudha Thanthiriyar
6. Ramamoorthy
7. Kothandapani
8. Sankar

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents particularly the 1st and 4th respondents to remove the encroachment in New S.No.63, Old S.No.103 for extent of 4.45 cents, Nesal Village, Vanur Taluk, Villupuram District.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents 1 to 4 : Mr.M.Elumalai
Government Advocate

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J)

This writ petition pertains to an alleged encroachment in New S.No.63 at Nesal Village, Vanur Taluk, Villupuram District. The petitioner contends that the aforesaid survey number is a waterbody which has been encroached upon by respondents 5 to 8.

2. In several matters of this nature, this Court observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation, unless the matter involves significant and larger public interest.

3. Accordingly, without considering the merits of the notice dated 12.10.2020 issued to the petitioner, this writ petition is disposed of by directing the official respondents to consider such representation of the petitioner and dispose of the same by a speaking order, after providing a reasonable opportunity to all the affected parties, including respondents 5 to 8. Such speaking order shall be passed within a period of eight weeks from the date of receipt of a copy of this order. In the event the petitioner is aggrieved, the petitioner can pursue his legal remedies otherwise than by way of a public interest litigation, upon establishing his locus standi.

W.P.No.16322 of 2020 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector
District Collector Office
Villupuram District.

2. The Sub Collector
Sub Collector Office
Villupuram District.

3. Block Development Officer
Block Development Office
Vanur Taluk
Villupuram District.

4. The Tahsildar
Vanur Taluk
Villupuram District.

+1cc to The Government Pleader SR.NO.7320

AKM/22.02.21/2P- 6C/

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