

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.23769 of 2019

L.R.C.Ravishankar ... Petitioner

Vs

1.The District Collector,
Collectorate,
Salem District.

2.The Divisional Engineer,
Construction & Maintenance,
National Highway Division,
Salem District - 636 007.

3.The Tahsildar,
Attur Taluk Office,
Attur Taluk & Post,
Salem District.

4.The Commissioner,
Attur Municipality,
Attur Town and Taluk,
Salem District.

5.The Assistant Divisional Engineer,
National Highways Department,
Attur Taluk and Town,
Salem District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the encroachment made in Salem to Cuddalore National Highways (SU-55) and direct the respondents not to permit the encroachers to put up shops in Salem to Cuddalore National Highways (SU-55) which is situated in Attur Town, Salem District, within a time frame.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.K.S.Suresh
Government Advocate
for respondents 1 and 3

ORDER

(Order of the Court was made by

SENTHILKUMAR RAMAMOORTHY, J.)

The writ petitioner seeks a direction to the respondents to remove the encroachment made in Salem to Cuddalore National Highways (SU-55) and direct the respondents not to permit the encroachers to put up shops in Salem to Cuddalore National Highways (SU-55) which is situated in Attur Town, Salem District. The petitioner states that representations were given in this regard on 13.03.2019 and 23.05.2019, 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 13.03.2019 and 23.05.2019, the fourth respondent is 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.23769 of 2019 is disposed of on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The District Collector,
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Salem District.
- 2.The Divisional Engineer,
Construction & Maintenance,
National Highway Division,
Salem District - 636 007.
- 3.The Tahsildar,
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- 4.The Commissioner,
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Salem District.
- 5.The Assistant Divisional Engineer,
National Highways Department,
Attur Taluk and Town,
Salem District.

W.P.No.23769 of 2019

pvs[col]
srg 25/02/2021



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