

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.22338 of 2019

J.Manuel Raja

.. Petitioner

Vs

1. The District Collector,
District Collector Office,
Near Charing Cross,
Udhagamandalam,
The Nilgiris - 643 001.
2. The Municipal Commissioner,
Coonoor Municipal Office,
10, Mount Road, Kumaran Nagar,
Coonoor, The Nilgiris.
3. The Tahsildar,
Taluk Office, Coonoor,
The Nilgiris.
4. Gayathri
(Respondent No.4 impleaded as per the order
dated 17.9.2019 in WMP.No.26006 of 2019
in WP.22338/19)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to take action to remove the encroachment based on the representation of the petitioner dated 01.01.2019 and cancel the illegal free house site patta allotment, within the time frame.

For Petitioner

: Mr.M.A.R.Pragash

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.)

The writ petitioner seeks action to remove an encroachment on the basis of a representation of January 1, 2019 and to cancel the free house site patta issued by the official respondents.

2. The contention of the writ petitioner is that a free house site patta was issued illegally to the fourth respondent; that the encroachment made by the said fourth respondent should be removed and that the patta issued to the fourth respondent should be cancelled.

3. Learned Government Pleader points out that this petition has not been filed in genuine public interest and that it is an offshoot of enmity as between the petitioner and the fourth respondent. He further states that averments relating to the enmity between the petitioner's family and that of the fourth respondent have been set out in paragraphs 7 and 8 of the counter-affidavit filed by the Tahsildar, Coonoor, The Nilgiris District.

4. Upon perusal of the aforesaid averments, it is evident that the present petition has not been filed in public interest and that the petitioner has instead resorted to this petition in order to settle scores with the fourth respondent. Consequently, we are not inclined to exercise discretionary jurisdiction at the instance of the writ petitioner.

For the reasons aforesaid, W.P.No.22338 of 2019 is dismissed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The District Collector,
District Collector Office,
Near Charing Cross,
Udhagamandalam,
The Nilgiris - 643 001.

2. The Municipal Commissioner,
Coonoor Municipal Office,
10, Mount Road, Kumaran Nagar,
Coonoor, The Nilgiris.

3. The Tahsildar,
Taluk Office, Coonoor,
The Nilgiris.

+lcc to Mr.S.Ravee kumar, Advocate SR.7131
+lcc to the Government Pleader SR.7327

W.P.No.22338 of 2019

SSI(CO)
CB(02/03/2021)



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