

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.18196 of 2020

S.Balamurugan

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Petitioner

Vs

- 1.The Additional Chief Secretary/
Commissioner of Land Administration,
Office of Commissioner of Land Administration,
Ezhilagam, Kamarajar Salai,
Chepuak, Chennai - 600 005.
- 2.The District Collector,
Office of District Collector,
Kallakurichi,
Kallakurichi District.
- 3.The Revenue Divisional Officer/Sub Collector,
Office of Revenue Divisional Officer,
Chinna Salem,
Kallakurichi District.
- 4.The Tahsildar,
Office of Tahsildar,
Chinna Salem,
Kallakurichi District.
- 5.The Block Development Officer (Village Panchayat),
Office of BDO,
Chinna Salem,
Kallakurichi District.
- 6.The Village Administrative Officer,
Office of VAO,
Koogaiyur Village and Post,
Chinna Salem Taluk,
Kallakurichi District.

7.Periyasami

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 6 to take necessary steps to remove the encroachments made by the seventh respondent by erecting a big marriage function hall and provision store in the Government Battai Poramboke land wherein a canal passes besides the same in Survey Number 127/14 of Koogaiyur Village, Chinna Salem Taluk, Kallakurichi District to enable the village public to free access to the said common pathway "Battai porambokku".

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.G.K.Muthukumar
Spl. Government Pleader
for respondent Nos.1 to 6

: Mr.K.Vijayaraghavan
for respondent No.7

ORDER

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

This writ petition is filed in respect of the alleged encroachments by the seventh respondent. The writ petitioner asserts that encroachments have been made by the seventh respondent by erecting a big marriage hall and provision store in the Government battai poramboke wherein a canal passes. These assertions are denied by the seventh respondent. The petitioner states that representation was given in this regard on 02.11.2020, 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. Consequently, without examining the merits or tenability of the representation dated 02.11.2020, this writ petition is disposed of by directing the second respondent to consider the representation of the petitioner and dispose of the same by a speaking order after providing a reasonable opportunity to the affected parties, including the seventh respondent. In the event the petitioner is aggrieved by such decision, it is open to the petitioner to pursue his legal remedies in accordance with law, otherwise than by a public interest litigation, after establishing his locus standi in that regard.

4. W.P.No.18196 of 2020 is disposed of on the above terms.
There will be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Additional Chief Secretary/
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Koogaiyur Village and Post,
Chinna Salem Taluk,
Kallakurichi District.

+2cc to M/s.V.R.Appaswamee & R.Sasikumar, Advocate SR.10806

W.P.No.18196 of 2020

AD(CO)
CB(10/03/2021)