

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.20371 of 2020

A.C.Devakumar

.. Petitioner

-vs-

- 1.The District Collector,  
Collectorate,  
Thirupattur District at Tirupattur.
- 2.The Assistant Director of Town and Country Planning,  
O/o. Assistant Director,  
No.393, Sai Baba Nagar,  
Thirupattur - 635 601.
- 3.The Special Officer,  
Udayendiram Town Panchayat,  
Udayendiram, Vaniyambadi Taluk,  
Thirupattur District.
- 4.The Sub Registrar,  
O/o. Sub Registrar,  
Taluk Office Complex,  
Government Estate,  
Kutcheri Road, Amburpet,  
Vaniyambadi, Thirupattur District.
- 5.The Assistant Engineer,  
TANGEDCO,  
Udayendiram, Vaniyambadi,  
Thirupattur District.

6.M.Shankar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 5 from in any manner allowing or permitting the 6th respondent in encroaching or committing any encroachment in Survey No.500/1 and 59/2F of Udayendiram village which has been classified as public pathway (Cart Track) leading to the burial ground and to consequently prohibiting grant of approval of any

layout in the above said Survey Numbers.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.V.Jayaprakash Narayanan  
State Government Pleader  
for respondent Nos.1 to 3

: Mr.M.Varunkumar  
for respondent No.5

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

This is another writ petition pertaining to the alleged encroachment of a public pathway. The petitioner complains that no action was taken pursuant to his representation dated 16.11.2020.

2. In several earlier writ petitions 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 submitted by the writ petitioner, the respondents 2 and 3 are directed to consider such representation and dispose of the same by a speaking order within a period of eight weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to all the affected parties. In the event the writ petitioner is dissatisfied with the decision taken by the respondents 2 and 3, it is open to the writ petitioner to initiate legal proceedings in accordance with law, otherwise than by a public interest litigation, after establishing his locus standi in this regard. The writ petitioner is granted leave to forward a copy of the representation dated 16.11.2020 to all the appropriate official respondents.

4. W.P.No.20371 of 2020 is disposed of on the above terms. There will be no order as to costs. Consequently, W.M.P.No.25158 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To:

- 1.The District Collector,  
Collectorate,  
Thirupattur District at Tirupattur.
- 2.The Assistant Director of Town and Country Planning,  
O/o. Assistant Director,  
No.393, Sai Baba Nagar,  
Thirupattur - 635 601.
- 3.The Special Officer,  
Udayendiram Town Panchayat,  
Udayendiram, Vaniyambadi Taluk,  
Thirupattur District.
- 4.The Sub Registrar,  
O/o. Sub Registrar,  
Taluk Office Complex,  
Government Estate,  
Kutcheri Road, Amburpet,  
Vaniyambadi, Thirupattur District.
- 5.The Assistant Engineer,  
TANGEDCO,  
Udayendiram, Vaniyambadi,  
Thirupattur District.

+1cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No. 5654  
+1cc to Mr.M.Varun kumar, Advocate, S.R.No. 5650  
+1cc to Mr.L.Chandrakumar, Advocate, S.R.No. 5407  
+1cc to the Government Pleader, S.R.No. 5387

W.P.No.20371 of 2020

PPA(CO)  
GN(11/02/2021)

WEB COPY