

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM :

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

W.P.No.19995 of 2020

W.Edwin Wilson ... Petitioner

-vs-

- 1.The Chief Secretary,
Govt. of Tamil Nadu,
Rajaji Salai, Fort St. George,
Chennai 600 009.
 - 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
 - 3.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai 600 007.
 - 4.The Additional/Joint Commissioner
of Police, Traffic North,
Vepery, Chennai 600 007.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to take immediate action to remove the encroachments in the public platform of Purasawakkam High road, including the projected roof like structures and display boards, over the public platforms, and to form guidelines on minimum space to be maintained by the shopkeepers, for their customers, from the margin of the platform.

For Petitioner

: Mr.S.Sai Sathya Jith

For Respondents

: Mr.G.K.Muthukumar
Spl. Govt. Pleader
for RR 1 , 3 and 4

: Mr.R.Gopinath for R-2

ORDER

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

This writ petition has been framed as a public interest litigation and relates to alleged encroachments on the public platform of Purasawakkam High Road, Chennai.

2.Learned standing counsel for the Corporation of Chennai submits on instructions that the encroachments complained of have already been removed.

3.In several matters pertaining to encroachment of land and waterbodies, this Court had observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation unless the matter involves the larger public interest.

4.Accordingly, without examining the merits or the tenability of the petitioner's representation, we dispose of this writ petition by directing the officials of the Corporation of Chennai to consider the representation dated 08.09.2019 of the petitioner and dispose of the same by a speaking order within a period of four weeks from the date of receipt of a copy of this order. In case the petitioner is aggrieved by such disposal of the representation, it is open to the petitioner to pursue legal remedies, otherwise than by a public interest litigation, after establishing his locus standi.

This writ petition, W.P.No.19995 of 2020, is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Chief Secretary,
Govt. of Tamil Nadu,
Rajaji Salai, Fort St. George,
Chennai 600 009.

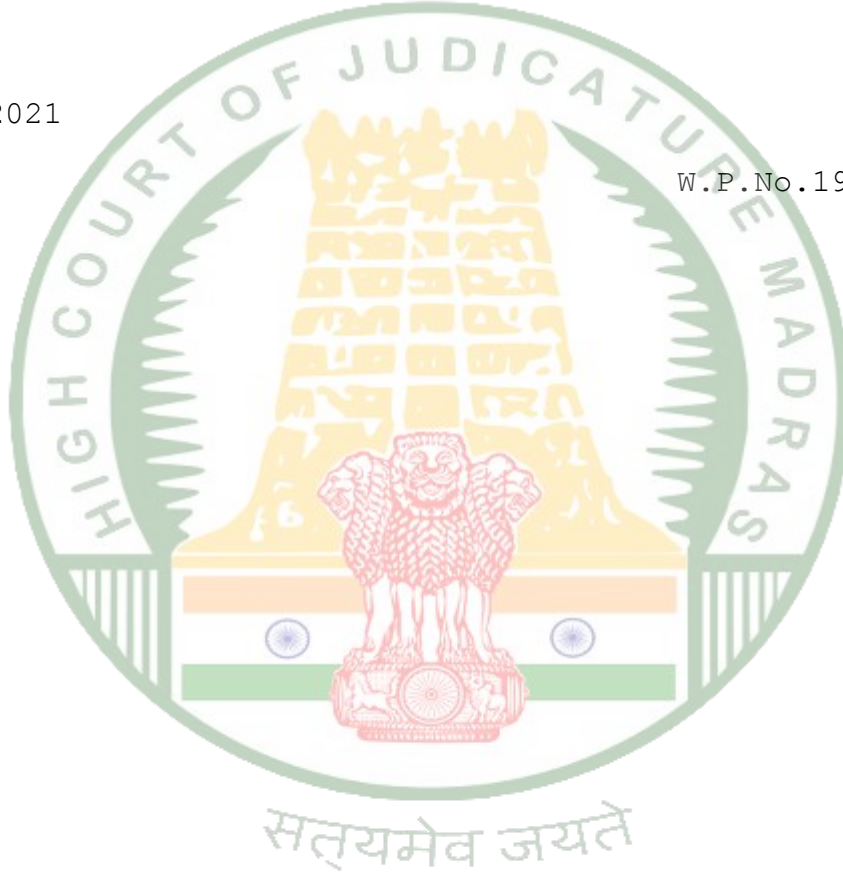
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4.The Additional/Joint Commissioner
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Vepery, Chennai 600 007.

RSI (CO)
SM/18/02/2021

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