

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.26077 of 2019

A.Ramamoorthy

.. Petitioner

Vs

1. The District Collector,
O/o. The Collectorate,
Namakkal.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.
3. The Tahsildar,
O/o. The Tahsildar,
Tiruchengode, Namakkal District.
4. R.Velmurugan
5. Jayanthi
6. Parimala

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 to 3 to initiate appropriate action to remove the encroachments made by respondents 4 to 6 in the street located at S.No.193/4, Koothampoondi village, Tiruchengode Taluk, Namakkal District on the basis of the petitioner's representation dated 20.7.2019.

For Petitioner : Mr.V.M.Venkatramana

For Respondents : Mr.K.S.Suresh
Government Advocate
for respondent Nos.1 to 3

ORDER

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

The writ petitioner seeks a direction to respondents 1 to 3 to forthwith remove the encroachment made by respondents 4 to 6 in the street located at Survey No.193/4, Koothampoondi Village, Tiruchengode Taluk, Namakkal District. The petitioner states that a representation was given in this regard on 20.07.2019, 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 representation dated 20.07.2019, the official respondents concerned are 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.26077 of 2019 is disposed of on the above terms. There will be no order as to costs. Consequently, W.M.P.No.26393 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The District Collector,
O/o. The Collectorate,
Namakkal.

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2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.

3. The Tahsildar,
O/o. The Tahsildar,
Tiruchengode, Namakkal District.

+1 cc to M/s.Dass Associates, Advocate Sr.No. 7307

+1 cc to The Government Pleader, Sr.No. 7323

W.P.No.26077 of 2019

MG (CO)
RMP (23/02/2021)



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