

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM :

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

W.P.No.27531 of 2019

K.Radha

... Petitioner

- Vs
- 1 The District Collector,
Office of District Collector,
Erode.
 - 2 The Revenue Divisional Officer,
Office of the RDO,
Gobichettipalayam,
Erode District.
 - 3 The Thasildhar
Anthiyur Taluk Office,
Andiyur,
Erode District.
 - 4 S.Palaniammal
 - 5 S.Manoharan
 - 6 S.Mallikarjunan
 - 7 A.P.Siddiah
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent to conduct enquiry as per direction given by the second respondent vide proceedings in O.Mu.4945/2019A2 dated 8.8.2019 in accordance to law and retrieve the encroached land measuring around 85 cents or thereabout bearing R.S.No.265/2B, Ammapettai Village within the time stipulated by this Court.

For Petitioner: Mr.K.Shankar

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 a direction to the third respondent to conduct an enquiry as per the proceedings of the second respondent dated 8.8.2019 and retrieve the encroached land measuring around 85 cents situated in R.S.No.265/2B, Ammapettai Village. The petitioner states that a representation was given in this regard on 24.7.2019, 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 24.7.2019, 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.27531 of 2019 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

sasi

To:

- 1 The District Collector,
Office of District Collector,
Erode.
- 2 The Revenue Divisional Officer,
Office of the RDO,
Gobichettipalayam,
Erode District.

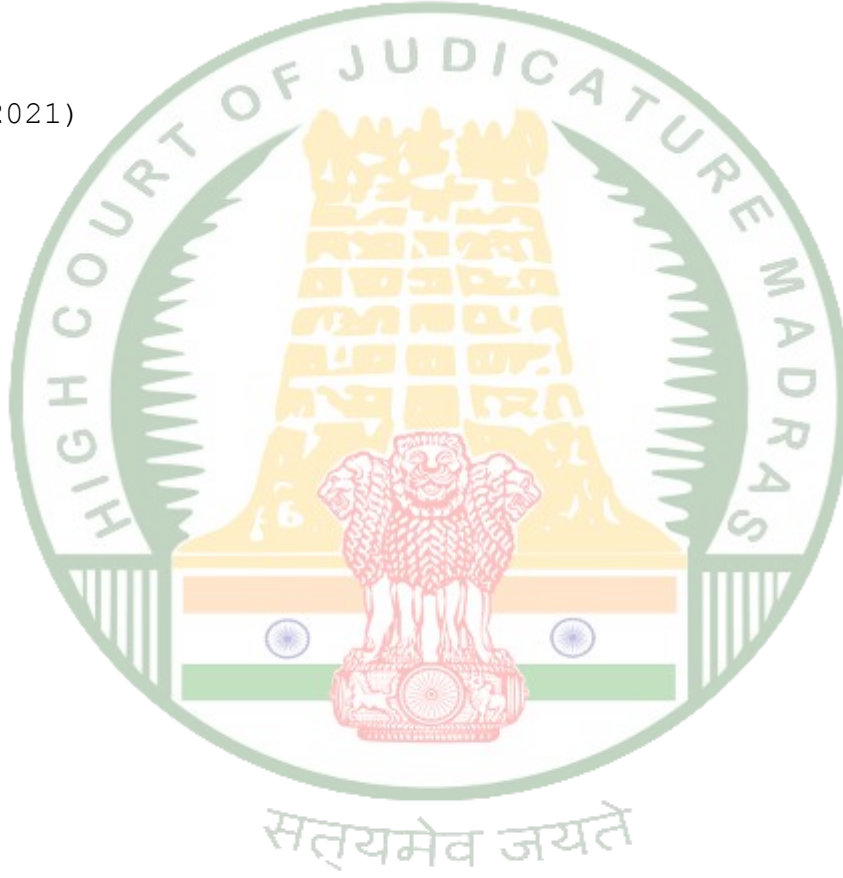
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3 The Thasildhar
Anthiyur Taluk Office,
Andiyur,
Erode District.

+1cc to the Government Pleader, S.R.No. 8064

W.P.No.27531 of 2019

MG (CO)
GN(17/03/2021)



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