

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.29937 of 2018

T.Balan

... Petitioner

Vs.

1. The District Collector
Office of the Collectorate
Villupuram District 637 003.

2. The Tahsildar
Taluk Office
Kandachipuram Taluk
Villupuram District.

3. A.R.Nandagopal

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the second respondent to consider the petitioner's representation dated 22.02.2018 and to take necessary legal steps to remove the illegal encroachment made by the third respondent in the pattai poromboke land in survey No.10/1D at Arakandapuram Village, Kandachipuram Taluk (Villupuram to Tirukovilur High Road), Villupuram District and restore the same to its original position.

For Petitioner : Mr.M.Baskaran

For Respondents : Mr.G.K.Muthukumar
Special Govt. Pleader
for respondents 1 & 2

Mr.S.Mohanasundararajan
for respondent-3

ORDER

(Made by the Hon'ble Chief Justice)

The petitioner complains about the encroachment by the third respondent in survey No.10/1D at Arakandapuram Village, Kandachipuram Taluk (Villupuram to Tirukovilur High Road), Villupuram District and the non-consideration of his representation dated 22.02.2018 in that connection.

2. In several matters of this nature, this Court observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation, unless the matter involves significant and larger public interest.

3. However, in view of the submission made by learned Special Government Pleader, the petitioner is permitted to make a representation to the Executive Officer of the Arakandanallur Village Town Panchayat, within a period of two weeks from the date of receipt a copy of this order. On receipt of such representation, the Executive Officer shall consider the said representation and dispose of the same by a speaking order, after providing a reasonable opportunity to the third respondent herein. Such order shall be passed within six weeks from the date of receipt of such representation. In the event the petitioner is aggrieved thereby, it is open to the petitioner to pursue legal remedies otherwise than by a public interest litigation, after establishing his locus standi.

4. Learned counsel appearing for the third respondent claims that the public interest litigation has been filed by the petitioner as a result of the grudge with the third respondent. However, since no prejudice has been occasioned to the third respondent by this order, the submission is of no relevance.

5. W.P.No.29937 of 2018 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kpl

To

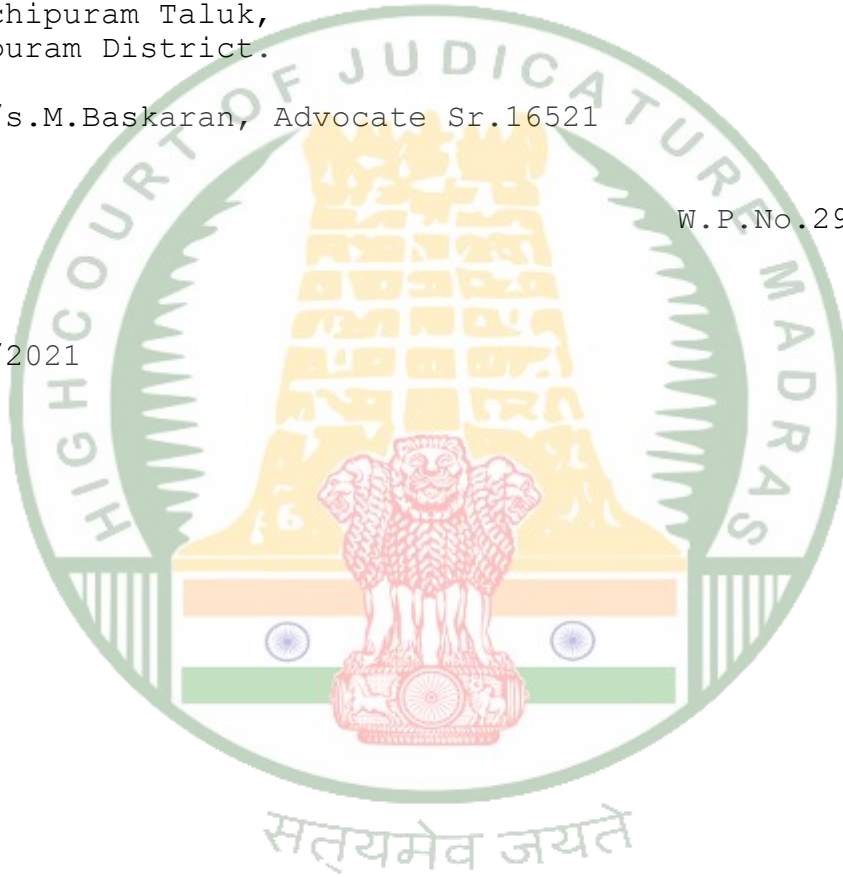
1. The District Collector,
Office of the Collectorate,
Villupuram District 637 003.

2. The Tahsildar,
Taluk Office,
Kandachipuram Taluk,
Villupuram District.

+1cc to M/s.M.Baskaran, Advocate Sr.16521

W.P.No.29937 of 2018

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srg 30/03/2021



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