



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM :

WEB COPY

**The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The Hon'ble Mrs.JUSTICE R.HEMALATHA**

W.P. (MD)No.3741 of 2021

V.Karuppiah

... Petitioner

Vs

1.The District Collector,
Madurai District.

2.The Tahsildar,
Melur Taluk,
Madurai District.

3.The Block Development Officer,
Melur,
Madurai District.

4.The President,
Keezhavalavu Panchayat,
Melur Taluk,
Madurai District.

5.Machakaalai, S/o.Azhagan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the fifth respondent in the Public pathway situated between Survey Nos.366/25 and 366/33 in Kuzhisevalpatti Village, Melur Taluk, Madurai District, by considering the petitioner's representation dated 25.01.2021.

For Petitioner

: Mr.K.Prabhu, Advocate

For Respondent
Nos.1 to 4

: Mr.N.Shanmugaselvam
Additional Government Pleader



ORDER

[Order of the Court was made by
THE HON'BLE CHIEF JUSTICE]

The petitioner complains of an encroachment by the fifth respondent in a public pathway in Survey Nos.366/25 and 366/33 in Kuzhisevalpatti Village, Melur Taluk of Madurai District.

2.It appears that the petitioner has made a written representation of January 25, 2021 to the authorities and such representation has not been considered.

3.Ordinarily, this Court will not be minded to receive every petty complaint of encroachment unless there is a larger element of public interest involved. Without in any manner belittling the problem of encroachment on public land that exists in this State, if Courts were to get into every tiny encroachment in every village of the State, there would hardly be any time to address other matters of pressing need.

4.At the same time, it must be emphasized that public land and waterbodies must be protected and revenue officials and others tasked with the maintenance of such places must ensure that no encroachment is allowed and that encroachments, if made, are dealt with expeditiously and effectively in accordance with law.

5.Accordingly, the fourth respondent is directed to consider the petitioner's representation of January 25, 2021 upon affording an opportunity of hearing to all who might get affected by the resultant order, including the fifth respondent herein. The speaking order of the fourth respondent should be communicated to all concerned, including the petitioner, within eight weeks of the receipt of a copy of this order.

6.In the event, the petitioner is aggrieved by the action taken or the failure to take any action, the petitioner will be entitled to pursue further proceedings, but not by way of a public interest litigation and upon establishing his *locus standi*.

7.W.P.(MD)No.3741 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To:

- 1.The District Collector,
Madurai District.
- 2.The Tahsildar,
Melur Taluk,
Madurai District.
- 3.The Block Development Officer,
Melur, Madurai District.
- 4.The President,
Keezhavalavu Panchayat,
Melur Taluk, Madurai District.

+1 CC to M/s.SPL GP (SR-9150[F] dated 05/03/2021)

+1 CC to M/s.K.PRABHU, Advocate (SR-8745[F] dated 04/03/2021)

W.P. (MD)No.3741 of 2021
04.03.2021

SMN2/GK
TK/SAR/12.03.2021/3P/7C