



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P (MD) No.15212 of 2021

and

W.M.P (MD) No.12145 of 2021

R.R.Premkumar

... Petitioner

Vs.

1.The Commissioner,
Aranthangi Municipality,
Pudukottai District.

2.Balaji

3.Balachandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to remove/demolish the unauthorized construction made by the respondents 2 and 3 in Sri Ramar Bajanai Mutt's property comprised in Survey No.18/3 measuring to an extent of four cents at Aranthangi Town, Pudukottai District as per Section 216 of the Tamil Nadu District Municipalities Act, 1920, by considering the petitioner's representation dated 23.04.2021.

For Petitioner	: Mr.T.Lenin Kumar
For R - 1	: Mr.P.Mahendran

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the first respondent to remove/demolish the unauthorized construction made by the respondents 2 and 3 in Sri Ramar Bajanai Mutt's property comprised in Survey No.18/3 measuring to an extent of four cents at Aranthangi Town, Pudukottai District, as per Section 216 of the Tamil Nadu District Municipalities Act, 1920, by considering the petitioner's representation dated 23.04.2021.

2.Mr.P.Mahendran, learned counsel takes notice for the first respondent.



3. On a perusal of the representation, dated 23.04.2021 given by the petitioner, it could be seen that the land in Survey No.18/3 belongs to Sri Ramar Bajanai Mutt, in which, the petitioner is a member. When the petitioner has got personal interest in the said Mutt, the filing of the Writ Petition as a Public Interest Litigation cannot be entertained. That apart, in the representation, dated 23.04.2021, the petitioner has only stated that the private respondents have encroached the land in Survey No.18/3 and therefore, the first respondent should take steps to remove the encroachment made by them in the land belonging to the mutt. If the owner of the land, namely Sri Ramar Bajanai Mutt, is aggrieved over the encroachment made by the private respondents, the remedy open to them is to file a civil suit and get the encroachment removed. As already stated when the petitioner has got personal interest in the mutt, the filing of the Writ Petition, as though it is a public interest, is liable to be rejected. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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.

To

The Commissioner,
Aranthangi Municipality,
Pudukottai District.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-27566[F] dated 27/08/2021)

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PS(CO)

SP(03.09.2021) 2P 3C

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