



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.17363 of 2021

WEB COPY

K.Muthuraja

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Tahsildar,
Madurai North,
Madurai.

4.The Inspector of Police,
Koodal Nagar Police Station,
Madurai.

5.R.Soundarapandiayan

6.R.Soundararajan

7.S.Kaleeshwaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take necessary action against the respondents 5 and 7 and also to take action on the petitioner's representation dated 01.09.2021 for the removal of encroachments in temple land comprised in Vilangudi 1 bit Grama Natham Survey No.160/27, North side of Vaigai river, old Vilangudi Village, Madurai District, which extended to 0.0063 Hectare and belonged to Vellai Pillaiyar Temple and also order to rebuild the same.

For Petitioner : Mr.R.Srinivasan
For RR 1 to 4 : Mr.P.Thilak Kumar
Government Pleader



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the respondents 1 to 4 to take necessary action against the respondents 5 to 7 based on the petitioner's representation dated 01.09.2021 for the removal of encroachments in the temple land comprised in Vilangudi 1 bit grama Natham Survey No.160/27, North side of Vaigai river, old Vilangudi Village, Madurai District, measuring an extent of 0.0063 Hectare belonging to Vellai Pillaiyar Temple and also give a direction to rebuild the same.

2.When the Writ Petition is taken for hearing, Mr.P.Thilak Kumar, learned Government Pleader, taking notice for the respondents 1 to 4 submitted that there is no public interest involved in the present Writ Petition and that the dispute is only between the petitioner and the private respondents. Further, the learned Government Pleader submitted that the petitioner as well as the private respondents are trying to encroach the Government poramboke land and also submitted that the fourth respondent Police has registered the FIR in Crime No.420 of 2021, dated 17.08.2021 as against the petitioner as well as respondents 5 and 6. Further, the learned Government Pleader submitted that based on the FIR registered against the parties, proceedings under Section 145 Cr.P.C has also been initiated and the same is pending.

3.From the submissions made by the learned Government Pleader, it is clear that the Writ Petition filed by the petitioner cannot be construed as a Public Interest Litigation and he has filed the Writ Petition to protect his personal interest.

4.In such view of the matter, we are not inclined to entertain the Writ Petition. Since the petitioner has filed the Writ Petition as a Public Interest Litigation when no public interest is involved and that the petitioner is personally interested in the land in dispute, the Writ Petition has to be rejected, however with costs. Accordingly, the Writ Petition is dismissed with a cost of Rs.10,000/- (Rupees Ten Thousand Only). The petitioner is directed to pay the cost of Rs.10,000/- to the Honourable Chief Justice Relief Fund within a period of two weeks from the date of receipt of a copy of this order.

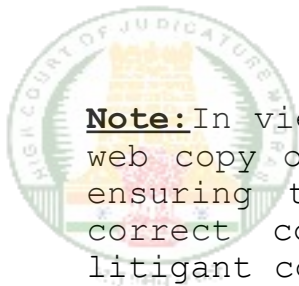
Sd/-

Assistant Registrar (CS II)

// 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

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- 4.The Inspector of Police,
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Madurai.

Copy to:

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SRINIVASAN, Advocate (SR-30560[F] dated 28/09/2021)

+1 CC to M/s.SPL.GP (SR-30327[F] dated 27/09/2021)

W.P (MD) No.17363 of 2021
24.09.2021

RS (04.10.2021) 3P 8C