



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.7041 OF 2022

Karunamoorthy

.. Petitioner

Vs

1. The District Collector,
Salem District,
Salem.
2. The Revenue Divisional Officer,
Mettur,
Salem District.
3. The Tahsildar,
Mettur,
Salem Distrit.
4. The Executive Officer,
Kolathur Town Panchayat,
Salem District.
5. Arumugam
6. Sundaramoorthy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to cancel the illegal patta bearing No.28 and 1928 stands in favour of the 5th and 6th respondents for encroached public road and subsequently direct the respondents 1 to 4 to remove the encroachment put forth by them on the public road leads to Pannavadi village from Kolathur, Salem District pursuant to petitioner's representation dated 06.08.2020.



WEB COPY

For the Petitioner : Mr.M.Subash

For the Respondents : Mr.S.J.Mohammed Sathik
Addl. Government Pleader
for respondent Nos.1 to 4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This public interest litigation has been filed by an advocate, though such practice has been deprecated by the Apex Court in the case of Dattaraj Nathuji Thaware v. State of Maharashtra, (2005) 1 SCC 590, where, in paragraph 20, it has been held as under:

"20. It is high time that the Bar Councils and the Bar Associations ensure that no member of the Bar becomes party as petitioner or in aiding and/or abetting files frivolous petitions carrying the attractive brand name of "public interest litigation". That will be keeping in line with the high traditions of the Bar. No one should be permitted to bring disgrace to the noble profession. ..."

2. The petitioner is seeking cancellation of pattas issued in favour of the respondents 5 and 6. It is alleged that public road has been encroached by the respondents 5 and 6 and they also obtained pattas way back in the year 2003. As per the revenue records, the land in question is a ryotwari land. The photograph at page 37 does not show that the construction is on a part of the road, rather, it is in line with the neighbouring building.

3. In view of the above, we find it to be a litigation not in public interest, but seems to be involving some personal interest. Therefore, the writ petition is dismissed without imposing costs. The petitioner is exempted from paying costs as he is an advocate, otherwise filing of such public interest litigation deserves imposition of costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District,
Salem.

2. The Revenue Divisional Officer,
Mettur,
Salem District.

3. The Tahsildar,
Mettur,
Salem District.

4. The Executive Officer,
Kolathur Town Panchayat,
Salem District.

+1cc to the Government Pleader, S.R.No.21098

W.P.No.7041 of 2022

RSI (CO)
RLP(06/04/2022)