



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.4.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No. 8655 of 2022

A. Radhakrishnan

.. Petitioner

vs

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Executive Magistrate cum
District Collector,
Krishnagiri.
4. The Deputy Inspector General of Police,
Salem.
5. The Sub Divisional Executive
Magistrate cum Revenue Divisional
Officer, Krishnagiri.
6. The Taluk Executive Magistrate cum
Tahsildar, Krishnagiri.
7. The Inspector of Police,
Kaveripattinam Police Station,
Kaveripattinam,
Krishnagiri District.
8. The Executive Officer,
Kaveripattinam Town Panchayat,
Krishnagiri.
9. Thiru N.Sabeef

.. Respondents



WEB COPY

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 8 to remove the encroachment found in public pathway in S.F.No.754/17 at Kaveripattinam Village, Krishnagiri District by considering the petitioner's representation dated 02.6.2021.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr. J. Ravindran,
Additional Advocate General
Assisted by
Mr.S.J.Mohammed Sathik
Government Advocate
for R1 to R8

ORDER

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

We have heard the learned counsel appearing for the respective parties.

2. The public interest litigation has been filed alleging encroachment by the private respondent and inaction on the part of the official respondents despite a representation. Though it is stated that an action has been initiated by issuing notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, there was no further action.

3. The learned Additional Advocate General appearing for the respondents raises an issue as to the bona fides of the petitioner to take up this litigation, as he is residing at a distance from the place of encroachment.

4. Per contra, the learned counsel for the petitioner submits that the matter with regard to encroachment can be taken up by anyone and if he resides at a distance and finds any area being encroached, he can take up the cause in public interest. It is more so when the notice under Section 7 of the Act of 1905 has already been issued, pursuant to the representation made by the petitioner.

5. The locus in the public interest litigation cannot be taken in a narrow compass, as the writ petition is of the nature other than the public interest litigation. But at the same time, it should be a bona fide litigation and not to settle score or for the sake of it. A public interest litigation cannot be filed for personal interest. Therefore, we cannot entertain such a



litigation.

6. As the action has already been initiated by the official respondents, the writ petition is disposed of with a direction to the official respondents to carry out the action further, as per the provisions of law. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

RS

To

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Executive Magistrate cum
District Collector, Krishnagiri.
4. The Deputy Inspector General of Police,
Salem.
5. The Sub Divisional Executive Magistrate cum
Revenue Divisional Officer,
Krishnagiri.
6. The Taluk Executive Magistrate cum
Tahsildar, Krishnagiri.
7. The Inspector of Police,
Kaveripattinam Police Station,
Kaveripattinam, Krishnagiri District.
8. The Executive Officer,
Kaveripattinam Town Panchayat,
Krishnagiri.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.25244

W.P.No.8655 of 2022

SKM(CO)
SB(22/04/2022)