



W.P.No.12716 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

CORAM :

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

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.12716 of 2022

T.Tamilamudhan

.. Petitioner

Vs.

1. The District Collector
Kancheepuram District.
2. The Revenue Divisional Officer
Sriperumbudur
Kancheepuram District.
3. The Assistant Commissioner
HR & CE Department
Aadhanur.
4. The Village Administrative Officer
Aadhanur Town Panchayat
Aadhanur.
5. The Inspector of Police
Manimangalam Police Station
Aadhanur Town Panchayat
Kancheepuram District.



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6. S.Sai @ Gopalraj

7. Purusothaman

8. Nirmal Kumar

9. Samim

10.Vasanth

11.Abdul Razhak

.. Respondents

[R6 to R11 impleaded vide order dated
01.07.2022 in WMP No.16101 of 2022]

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 and 2 to identify the list of encroachers specified in the petitioner's representation dated 17.11.2021 and 24.01.2022 and to pass appropriate orders directing removal of such encroachment if any, by following due process of law and report the same before this Court within a time frame to be fixed by this Court.

For the Petitioner : Mrs.Subhashini
For Chennai Law Associates

For the Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader
for Respondents 1 to 5



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ORDER

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

The writ petition has been filed by the President of Panchayat seeking a direction to remove the encroachments, for which, the process was initiated by the petitioner himself. It is for the reason that the President of Panchayat is competent to remove the encroachments and knowing it well, the process was started by him. But for the reasons best known to the petitioner, the writ petition was filed to seek a direction on the first and second respondents to identify the list of encroachers and to pass appropriate orders for removal of the encroachments.

2. Learned Additional Advocate General submits that when the President, namely, the petitioner himself is competent to remove the encroachments and also initiated action for the same, filing of the writ petition cannot be said to be bona fide.



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3. It may be for the reason that against the action initiated by the petitioner, a serious complaint has been made against him and cognizance of the aforesaid has been taken. Thus to get rid of it, the writ petition has been filed to take an order from the Court to remove the encroachment. The petitioner, being the competent officer, could not explain what prevented him to proceed further in reference to the notice caused by him on the encroachments.

4. Taking into consideration the facts of this case, the petitioner cannot be considered to be bona fide and accordingly, the writ petition is dismissed. There will be no order as to costs. Consequently, WMP Nos.16101 and 12177 of 2022 are also dismissed.

(M.N.B., CJ.) (N.M., J.)
01.07.2022

Index : Yes/No

kpl



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M.N.BHANDARI, CJ
AND
N.MALA, J.

(kpl)

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