



W.P.No.12161 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12161 of 2023

S.Angamuthu

.. Petitioner

Vs

1. The Director
Town and Country Planning
E & C, Market Road
Koyambedu, Chennai.
2. The Deputy Director
Town and Country Planning
Kumaran Road, Tiruppur.
3. The District Collector
Tiruppur, Tiruppur District.
4. The Commissioner
Thirumuruganpoondi Municipality
Tiruppur, Tiruppur District.
5. The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Limited, Tiruppur Distribution Circle
Avinashi.



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6. E.Kartikeyan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to take appropriate legal action as against the sixth respondent for illegal development/unauthorised construction of a commercial building comprised in S.Nos.57, 58, 57/3A1, 61/1A1, A2 situated at Rakkiyapalayam, Thirumuruganpoondi, Tiruppur District in view of the Form No.1 notice issued by the second respondent vide proceedings in Na.Ka.No.835/2023/Suatha, dated Nil.3.2023, and by considering his representation dated 10.12.2022.

For the Petitioner : Mr.K.Myilsamy

For the Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Special Government Pleader
for respondents 1 to 3

: Mr.P.Muthukumar
State Government Pleader
for 4th respondent

: Mr.L.Jaivenkatesh
for 5th respondent

: Mr.C.S.Saravanan
for 6th respondent

ORDER



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

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S.Angamuthu, son of Subramaniam, a resident of Kothapalayam, Semmandampalayam, Sulur Taluk, Coimbatore District, has filed this writ petition seeking issuance of a writ of mandamus to direct respondents 1 to 5 to take appropriate legal action as against the sixth respondent for illegal development/unauthorised construction of a commercial building in S.Nos.57, 58, 57/3A1, 61/1A1, A2 situated at Rakkiyapalayam, Thirumuruganpoondi, Tiruppur District in view of the Form No.1 notice issued by the second respondent vide proceedings in Na.Ka.No.835/2023/Suatha, dated Nil.3.2023, and by considering his representation dated 10.12.2022.

2. Mr.K.Myilsamy, learned counsel for the petitioner, would submit that the petitioner is a social worker and his grievance is that the sixth respondent, who owns the lands comprised in S.Nos.57, 58, 57/3A1, 61/1A1, A2 situated at Rakkiyapalayam, Thirumuruganpoondi, Tiruppur District, has constructed a commercial building in violation of the planning permission granted to him. He submitted that though the sixth respondent obtained permission for construction of stilt + two



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floors, he built three floors and converted the stilt floor into ground floor. That apart, he pleaded that the construction put up by the sixth respondent is of more than 32000 sq.ft., much beyond the sanctioned limit. Ventilating his grievance, the petitioner sent a representation on 10.12.2022 to the respondent authorities. As the said representation did not evoke any response, the petitioner has been advised to file this writ petition.

3. Mr.C.S.Saravanan, learned counsel appearing on behalf of the sixth respondent, submitted that the sixth respondent has constructed a hotel in the name and style of "Annapoorna Hotel" over the land in question and the petitioner is not a social worker as claimed by him, but an employee of the rival hotel with the same name situate at Coimbatore. He further submitted that this writ petition has been filed by the petitioner at the instigation of the rival hotel and, therefore, it is not in public interest, but on account of professional rivalry between two hotels.

4. We find merit in the submission made by learned counsel for the sixth respondent. A bare perusal of the document filed at page



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(58) of the typed-set of papers justifies the claim of the sixth respondent that the petitioner is an employee of the rival hotel in Coimbatore. A public interest litigation can only be entertained at the instance of a bona fide litigant and cannot be used by unscrupulous litigants to foster personal or individual grievance. In our considered opinion, the present petition is a motivated one founded on personal vendetta. On this score alone, this vexatious petition, styled as public interest litigation, brought for vindicating the personal grievance deserves to be rejected.

For the foregoing reasons, the writ petition is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
21.04.2023

Index : No
Neutral Citation : No
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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