



W.P.No.14294 of 2017

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.14294 of 2017

R.Senthilkumar

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Petitioner

Vs.

1. The District Collector
Thiruppur District.
2. The Revenue Division Officer
Dharapuram, Thiruppur District.
3. The Thasildar
Kangayam, Thiruppur District.
4. Rajagopalan
5. The Commissioner
Kangayam Municipality, Kangayam
Thiruppur District.

[R5 impleaded vide order dated
14.06.2023 in W.P.No.14294 of 2017]

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Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to take appropriate action against the fourth respondent for not taking action against the building which are running in Kangeyam Taluk, Thiruppur District without having proper building approval under Town and Country Planning Act by considering the representation of the petitioner herein dated 21.06.2016.

For the Petitioner : Mr.R.Nalliyappan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for R1 to R3.

Mr.N.L.Rajah
Senior Counsel
for Mr.S.Dhayaleswaran
for R4

R5 not ready in notice

ORDER

(Made by the Hon'ble Chief Justice)

We heard Mr.R.Nalliyappan, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 3 and Mr.N.L.Rajah, learned Senior Counsel for Mr.S.Dhayaleswaran, learned counsel for respondent 4.



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2. The writ petition is filed seeking action against the fourth respondent for not taking action against the buildings running in Kangeyam Taluk.

3. Mr.N.L.Rajah, learned Senior Counsel for the fourth respondent submits that the fourth respondent was holding Office in Kangeyam only for one month. The complaint was given by the petitioner on 21.06.2016, but the fourth respondent was holding Office only up to 31.08.2016.

4. In fact, in service jurisprudence, public interest litigation is not maintainable, except quo warranto in exceptional cases.

5. As it is submitted that the fourth respondent was only in Office for a period of two months after the complaint was filed by the petitioner, we are not inclined to take any further action in the matter. If any encroachment exists, the Authorities may take action in accordance with law and by adhering to the provisions and principles



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6. With these observations, the writ petition is disposed of. There will be no order as to costs. As the fifth respondent has already been impleaded vide order dated 14.06.2023, no further orders are required to be passed in W.M.P.No.19415 of 2023 and the same is disposed of.

(S.V.G., CJ.)

(P.D.A., J.)

26.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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