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W.P.No.19859 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.19859 of 2024

K.Dayalan

... Petitioner

-VS-

1. The Director,
Directorate of Town and Country Planning,
CMDA Campus, E&C Market Road,
Koyambedu, Chennai-600 107.
2. The Revenue Divisional Officer,
Kallakurichi.
3. The Tahsildar,
Sankarapuram, Kallakurichi.
4. The Executive Officer,
Town Panchayat,
Sangarapuram,
Kallakurichi District.

5. Boopathy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent proceedings in Na.Ka.No.12504/2021/TCP8 dated 03.09.2021, quash the same and consequently, restrain the 5th respondent from further layout the agricultural properties in S.Nos.73/3 and 72 Sankarapuram Village, Kallakurichi District.



W.P.No.196 of 2024

For Petitioner : Mr.T.Nixon
For R1 to R3 : Mr.Edwin Prabhakar
State Government Pleader
For R4 : Mr.M.Habeeb Rahman
Govt. Advocate

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed, challenging the proceedings of the 1st respondent in Na.Ka.No.12504/2021/TCP8 dated 03.09.2021, by which lay out approval has been granted to R5 in respect of S.Nos.73/3 and 72. The petitioner also sought to restrain the 5th respondent from further layout in the agricultural properties.

2. Mr.Edwin Prabhakar, learned State Government Pleader takes notice for R1 to R3. Mr.M.Habeeb Rahman, learned Government Advocate takes notice for R4. Notice to R5 is dispensed with, as no adverse order is passed against him. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that the 5th respondent had approached the authority for the layout approval for his agricultural properties to the extent of 10 acres and 50 cents and the petitioner made a complaint on 26.06.2024 to the authorities concerned, alleging that on account of the lay out permission granted to the 5th respondent, the agricultural activities in that locality would be at stake.



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4. It is seen that except the aforesaid averments, the petitioner has not made any other allegations in the affidavit filed in support of the Writ Petition. The petitioner, in the guise of Public Interest Litigation, has filed a frivolous petition before this Court, which cannot be entertained in the absence of materials in support thereof. The Apex Court in the case of **Dattaraj Nathuji Thaware vs State of Maharashtra and Others**, reported in **(2005) 1 SCC 590**, held as follows:

“20. It is disturbing feature which needs immediate remedial measure by the Bar Councils and the Bar Association to see that the process of law is not abused and polluted by its member. 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. We would have imposed exemplary cost in this regard but taking note of the fact that the High Court had already imposed costs of Rs. 25,000/-, we do not propose to impose any further cost.”

5. We are of the view that the instant Writ Petition is not a Public Interest Litigation, but only a Private Interest Litigation, which is not maintainable on the face



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D.KRISHNAKUMAR,ACJ.,
AND
K.KUMARESH BABU,J.,
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of record itself. Hence, finding no merit or substance in the petition, the Writ Petition is dismissed. Though it is a fit case to impost costs, we refrain from imposing costs on the petitioner. No costs.

[D.K.K.,ACJ.] [K.B.,J.]
23.07.2024

Index: Yes / No
Speaking Order/Non Speaking Order
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To:

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