



WEB COPY



W.P. No.34188 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM:

THE HONOURABLE MR. K.R. SHRIRAM, CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. No.34188 of 2024 and W.M.P. No.37011 of 2024

M. Kumaran

Petitioner

Vs.

1. The District Collector
District Collector Office
Dharmapuri District 636 705
2. The Tahsildar
Dharmapuri Taluk Office
Dharmapuri District 636 701
3. The Block Development Officer
Block Development Office
Dharmapuri District 636 701
4. The President
Village Panchayat Office
Mookkanur Village
Dharmapuri District 635 202
5. D. Madhammal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove



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the encroachment and illegal construction being carried out by the fifth respondent in Survey No.147/2 and 119/180 of Mookkanur Village, Dharmapuri Taluk and District admeasuring to an extent of 367.2 sq. ft. by encroaching on the public road and contravention of the laws.

For petitioner Mr. S. Vijayakumar
for Mr. K. Sakthivel

For RR 1 to 4 Mr. A. Edwin Prabakar
State Government Pleader
assisted by Mr. Karthik Jeganath
Government Advocate

ORDER

(made by The Hon'ble Chief Justice)

This is another case where a private dispute is brought to the Court as public interest litigation.

2. The petitioner is upset with his neighbour, viz., respondent no.5, and alleges that respondent no.5 is putting up an illegal construction on a public land. According to the petitioner, respondent no.5 has encroached on public land.



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3. Mr. Prabakar tenders a status report dated 28.11.2024 of one Mr.K.Shanmugasundaram, Tahsildar (respondent no.2), in which it is stated that there is no encroachment and respondent no.5 has personally appeared and given an assurance that no encroachment will be made on the public pathway. Mr. Prabakar also states that if any encroachment is made on public land, it shall be removed.

4. In view of the status report and the statement made by Mr.Prabakar, petition is disposed of with a caution to the petitioner that if he has any dispute with his neighbour, he will file a civil suit and not approach this Court by way of public interest litigation and next time, the petitioner may be saddled with substantial costs. No costs. Consequently, connected interim application stands closed.

(K.R. SHRIRAM, C.J.)

(SENTHILKUMARRAMAMOORTHY, J.)

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Index : Yes/No
Neutral Citation : Yes/No
cad



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THE HON'BLE CHIEF JUSTICE

and

SENTHILKUMARRAMAMOORTHY, J.

cad

To

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