



W.P.No.25102 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.No.25102 of 2025

&

W.M.P.No.28282 of 2025

K.Vijayakumar

..

Petitioner

Vs.

1. The District Collector
Salem District.

2. The District Revenue Officer
Salem District.

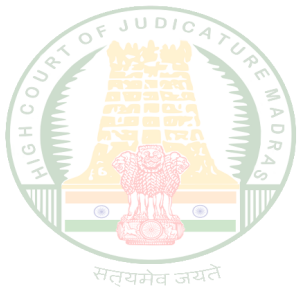
3. Tahsildar
Mettur Taluk
Salem District.

4. The Tamil Nadu Pollution Control Board
Rep. by its Chairman & Managing Director
Guindy
Chennai 600 032.

5. Chemplast Sanmar Ltd.
(formerly known as M/s. Chemical and
Plastics India Ltd.)
9, Cathedral Road
Chennai 600 086.

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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 1 to 3 respondents to consider and pass orders on the petitioner's representation dated 14.10.2024 followed by reminder dated 14.11.2024.

For Petitioner : Mr.K.Vijayakumar
Party-in-Person

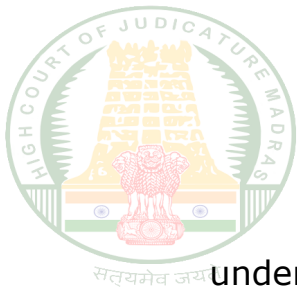
For Respondents : Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1 to 3

ORDER

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

This is a classic example of misuse and abuse of judicial process on the august forum of this Court, apparently with a vested interest, as petitioner himself is a real estate developer.

2. The allegation made that private respondent herein has encroached upon waterbody is found to be factually incorrect, inasmuch as way back in 1964, private respondent was assigned land with certain conditions of maintaining water channels to



W.P.No.25102 of 2025

WEB COPY

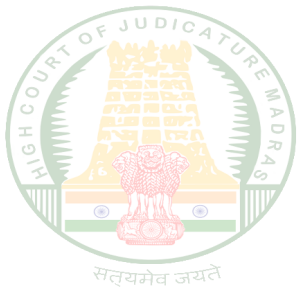
undertake industrial activity. Nobody challenged that and the same has attained finality.

3. Petitioner, earlier filed a writ petition in respect of the same land, which was disposed of by the Court observing that in case some encroachment is found in S.No.144, which is a waterbody, steps would be taken by the authority to remove the same in accordance with law.

It appears that no such encroachment was found.

4. Petitioner did not stop there. He then filed another writ petition completely suppressing the filing of earlier writ petition and disposal. This fact was taken note of by this Court in its order dated 06.02.2025. It was observed thus:

“3. Petitioner ought to have been truthful to the court. Shri.Venkatesan was candid to admit the fact that petitioner had not disclosed about the filing of public interest litigation earlier. We find that the reliefs in this petition and the earlier petition are similar. We would say identical, but differently worded.



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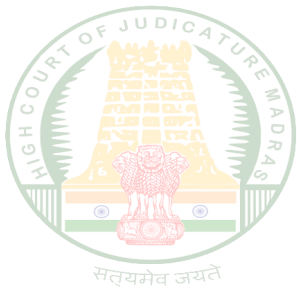
W.P.No.25102 of 2025

4. Every petitioner coming to court should come with clean hands and here is a petitioner who has suppressed the fact that he had approached the court earlier and that petition has been disposed of.”

On the statement made from the State counsel that enquiry was made pursuant to the earlier order and no encroachment has been found even in S.No.144, writ petition was dismissed.

5. Petitioner, however, did not stop and again approached this Court by filing another petition, styled as public interest litigation, making similar allegations.

6. Even though, at the instance of petitioner, this public interest litigation was not liable to be entertained, yet, we enquired from learned State counsel and the status report, which has been submitted before us, clearly shows that there is no encroachment as such, waterbody/channel has been protected and that the activities undertaken by the private respondent do not violate the terms and conditions on which the assignment was granted way back in 1964.



W.P.No.25102 of 2025

WEB COPY

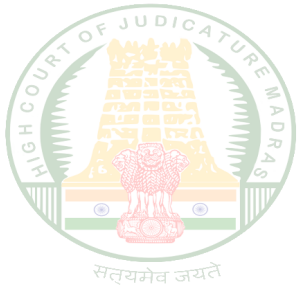
7. Petitioner appears to be in the habit of filing frivolous petition in the name of public interest litigation. He does not seem to be a villager affected by any such encroachment, as, he himself is a real estate developer and he apparently appears to be motivated by vested interest. Therefore, it is high time that we should impose exemplary cost on petitioner.

8. Petition is dismissed with cost of Rs.1,00,000/- (Rupees one lakh) payable by petitioner to the Tamil Nadu State Legal Services Authority within a period of two months. Consequently, the interim application is also dismissed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (SUNDER MOHAN,J)
05.08.2025

Index : Yes/No
Neutral Citation : Yes/No

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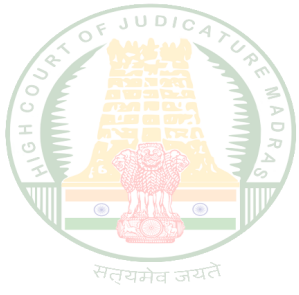


W.P.No.25102 of 2025

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THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

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