

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.6.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.17738 of 2016 and
WMP.No.15426 of 2016

G.Sekar

...Petitioner

-Vs-

The Revenue Divisional Officer-cum
Executive Magistrate, Ponneri.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent, his men, agents, servants or anyone acting on his behalf from in any manner interfere with, disturb the peaceful prawn culture activity carried on by the petitioner in the immovable property owned by him situate in Survey Nos. 93, 94/2, 94/3, 94/6, 94/7, 105, 107/1C, 107/2A, 107/4A in No.20 Agaram Village, Ponneri Taluk, Thiruvallur District except by due process of law.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.S.Pattabiraman
Govt. Advocate

O R D E R

The prayer in this writ petition is for the issuance of mandamus forbearing the respondent, his men, agents, servants or anyone acting on his behalf from in any manner interfere with, disturb the peaceful prawn culture activity carried on by the petitioner in the immovable property owned by him situate in Survey Nos. 93, 94/2, 94/3, 94/6, 94/7, 105, 107/1C, 107/2A, 107/4A in No.20 Agaram Village, Ponneri Taluk, Thiruvallur District except by due process of law.

2. Though the learned counsel for the petitioner would submit that pending disposal of his application, he is operating the prawn culture Hatchery, a perusal of the typed set of documents would indicate that no such application is filed and whereas the respondent has passed final order by invoking Section 133(1) of Cr.P.C and admittedly, the petitioner did not make a challenge to the said order.

3. In the light of the said facts and circumstances, this Court is of the view that the prayer sought for by the writ petitioner is not maintainable and therefore, this writ petition is dismissed. However, the petitioner is at liberty to challenge the proceedings initiated by the respondent under Section 133(1) of Cr.P.C in a manner known to law. Consequently, interim order is vacated and M.P.No.15426 of 2016 is closed. No costs.
kua

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

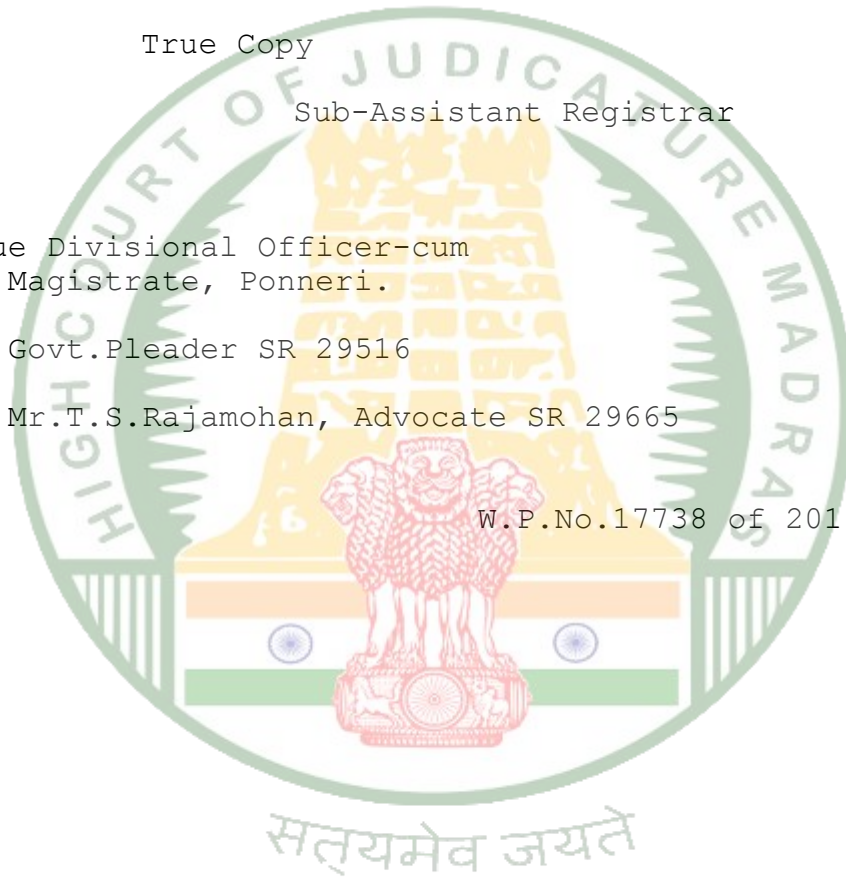
The Revenue Divisional Officer-cum
Executive Magistrate, Ponneri.

+ 1 cc to Govt.Pleader SR 29516

+ 1 cc to Mr.T.S.Rajamohan, Advocate SR 29665

nrjk(co)
prk14/6

W.P.No.17738 of 2016



WEB COPY