



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.07.2017

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5663 of 2017

V.Selvaraj

.. Petitioner

Vs.

1.The District Collector and District Magistrate,
Trichy District, Trichy.

2.The Revenue Divisional Officer and
Sub Divisional Magistrate,
Lalgudi,
Trichy District.

3.The Inspector of Police,
Mannachanallur Police Station,
Trichy District.

4.Ayyasamy
5.Siva

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 1 & 2 to take action against the respondents 4 & 5 U/s.133 of Code of Criminal Procedure to remove the nuisance which is being caused by them based on the petitioner's representation dated 19.03.2016.

For Petitioner

: Mr.T.Lenin Kumar

For RR - 1 to 3

: Mr.M.Govindan

Special Government Pleader

For R - 4

: Mr.P.Jayaprakash Narayan

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J.)

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The petitioner filed this Writ Petition in *pro bono publico* to direct the respondents 1 to 3 to take action against the fourth respondent to remove the nuisance stated to have been caused by him on account of the functioning of rice mill in Survey No.1/7, situated at Mannachanallur Village.

2.The counter affidavit filed by the fourth respondent indicates that the petitioner was holding his power of attorney earlier and only on account of strained relationship between the parties, this Writ Petition is filed under the brand name of public interest litigation. The fourth respondent has produced the consent given by the Tamil Nadu Pollution Control Board dated 07.04.2016 to substantiate his contention that the mill is being run on the basis of the statutory clearance.

3.Since the petitioner has not disclosed the commercial relationship with the fourth respondent, in this Writ Petition, we do not see any reason to issue a writ of mandamus as prayed for by him.

4.We therefore, dismiss the Writ Petition. However, we make it clear that this order would not stand in the way of the respondents 1 to 3 from taking action against the fourth respondent, in case, nuisance is caused to the neighbours on account of the functioning of the rice mill in question. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector and District Magistrate,
Trichy District, Trichy.

2.The Revenue Divisional Officer and
Sub Divisional Magistrate, Lalgudi, Trichy District.

3.The Inspector of Police,
Mannachanallur Police Station,
Trichy District.

+One cc to Mr.T.Lenin Kumar, Advocate, SR.No.67759

+One cc to Mr.S.Jeyaprakash Narayan, Advocate, SR.No.68148

mj

RL/6C/2P/SV/SAR2/3/8/2017