

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.01.2019

CORAM:
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No. 29459 of 2015

Mani

...Petitioner

.Vs.

1. The District Judicial Magistrate cum
District Collector,
Namakkal District, Namakkal.

2. M.S. Subbarayan

..Respondents

[R2 is impleaded as per order dated 31.08.2016,
in WMP No.2476 of 2016 in W.P.No.29459/2015].

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, for issuance of a Writ of Certiorari,
calling for the records pertaining to the impugned order passed
by the respondent under Sect.142 of Criminal Procedure Code in
Form No.22 dated 09.09.2015, and quash the same.

For Petitioner : Mr.R.Marudhachalamurthy

For R 2 : Ms.G.Devi

ORDER

This writ petition has been filed challenging the impugned
order passed by the respondent under Section 142 of Cr.P.C.

2. When the matter came up for admission, this Court passed
the following interim order:

"2. The petitioner herein is challenging
the order dated 09.09.2015 passed by the
District Judicial Magistrate cum District
Collector, Namakkal District, Namakkal, under
Section 142 of the Code of Criminal Procedure.
Shorn of unnecessary facts, it is seen that
there is ghost Well in survey No.289/3, in
which one Mani, Sasikumar, Chinna Gounder,
Vella Gounder, Ponnammal and Sathasivam seem
to be having some rights. On account of
dispute between Mani, Chinna Goundere and
Sathasivam on the one side and Sasikumar and
Ponnammal on the other side, the said Well has

been left without any proper security around. It is seen that the Revenue Divisional cum Executive Magistrate, Trichengode had passed an order as early as on 04.09.2013 directing the pattadars viz., the aforesaid five persons, to take steps to put a compound wall around the Well, which has not been complied with till date. In a Public Interest Litigation in W.P.No.24830 of 2015, the Hon'ble First Bench of this Court has also directed the Revenue authorities to take appropriate steps for removal of nuisance in accordance with law".

3. Pursuant to the above order, a compound wall has already been constructed around the Well, and as on today the Well is protected and there is no scope for any nuisance caused to any of the persons residing in the locality. In view of the interim order passed by this Court, and the subsequent development that has taken place, the impugned order passed by the respondent has become infructuous.

4. The impugned order passed by the respondent is hereby set aside, in view of the subsequent development that has been recorded herein above. Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KP

To

1.The District Judicial Magistrate cum
District Collector,
Namakkal District,
Namakkal.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.4595

W.P.No.29459 of 2015

rrs 08/02/2019