



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.12.2019**

**CORAM**

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**CRL OP(MD) . No.17615 of 2015**

K.Muthupandi

... Petitioner

-Vs-

1.The District Magistrate Cum  
District Collector,  
Theni District.

2.The Superintendent of Police,  
Theni.

3.The Commissioner,  
Bodi Municipality,  
Bodi.

4.The Inspector of Police,  
Bodi Police Station,  
Bodi.

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the 1<sup>st</sup> respondent police to initiate a proceedings under Section 133 of Cr.P.C. after due opportunity to all parties concern on the basis of the petitioner representation dated 13.08.2015.

For Petitioner : Mr.C.Herold Singh

For Respondents : Mr.P.Kannidevan  
Govt. Advocate (Crl. Side)

**O R D E R**

The petitioner is a resident of Bodi. According to him, in Ward No.1, there is a building meant for running the mid day meal scheme. The local Municipality now proposes to pull down and instead put up a public toilet. This according to the petitioner will cause physical discomfort to the surrounding residents and that it should be prohibited. In this regard, the petitioner has given a complaint to the first respondent under Section 133 of Cr.P.C. He wants action to be taken thereon.



2.I am afraid that the subject matter projected by the petitioner will not fall within the scope of Section 133 of Cr.P.C.

3. Therefore, I am not inclined to grant relief. The criminal original petition stands dismissed. It is made clear that the petitioner may not be justified in invoking Section 133 of Cr.P.C. The petitioner's other legal remedies are not foreclosed. The petitioner is always at liberty to workout the same in the manner known to law.

Sd/-

Assistant Registrar (Writs)

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/ /2020

Sub Assistant Registrar(CS)

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To:

1.The District Magistrate Cum  
District Collector,  
Theni District.

2.The Superintendent of Police,  
Theni.

3.The Commissioner,  
Bodi Municipality, Bodi.

4.The Inspector of Police,  
Bodi Police Station, Bodi.

+1 CC to M/s.M/S.M.KARUPPASAMY PANDIAN, Advocate ( SR-104239[F]  
dated 10/12/2019 )

+1 CC to M/s.S.C.HEROLD SINGH, Advocate ( SR-104320[F] dated  
11/12/2019 )

**Cr1.O.P. (MD) No.17615 of 2015**  
**10.12.2019**

JMN(19.02.2020) 2P : 7C