



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.11155 of 2017

and

Crl.M.P.(MD) No.7664 of 2017

A.Salonraj

...Petitioner

vs.

1) The Revenue Divisional Officer/
Sub Divisional Magistrate,
Padmanabhapuram,
Kanyakumari District.

2) Stella

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the order of the 1st respondent in Na.Ka.No.A3/3134/2017 dated 19.07.2017 and quash the same.

For Petitioner : Mr.C.K.M.Appaji

For R-1 : Mr.S.Chandrasekar,
Additional Public Prosecutor

For R-2 : No Appearance

O R D E R

This Criminal Original Petition has been filed challenging the proceedings in Na.Ka.No.A3/3134/2017, dated 19.07.2017 pending on the file of the first respondent under Section 133 of Cr.P.C.

2. The case of the prosecution is that, there is a neem tree standing in the property of the petitioner and it is causing nuisance to the adjacent owner and therefore, the respondent by virtue of the proceedings wants to cut down the neem tree.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the first respondent.



4. It is seen that the order has been straight away issued by the first respondent without issuance of notice to the petitioner. That apart, the first respondent has not satisfied himself as to whether the deed of nuisance has been made out in this case.

5. In any case, the proceedings is an abuse of process of Court and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. Accordingly, the proceedings in Na.Ka.No.A3/3134/2017, dated 19.07.2017 pending on the file of the first respondent is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected Crl.M.P.(MD) No.7664 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1) The Revenue Divisional Officer/
Sub Divisional Magistrate,
Padmanabhapuram,
Kanyakumari District.
- 2) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P. (MD) .No.11155 of 2017

Dated:
22.11.2019

KM/(06.01.2020) 2P 3C