



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P.(MD)No.12536 of 2020

WEB COPY

R.Paramaiyan

... Petitioner

Vs.

1.The District Collector
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur District.

3.The Thasildar
Thanjavur District,
Thanjavur.

4.The Inspector of Police
Vallam Police Station,
Thanjavur District.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Respondents to expedite enquiry on complaint dated 11.09.2020 and pass a suitable order as per Section 133 of Cr.P.C. for removal of encroachment government outlying drainage canal is occupied by Ayyavu and Marimuthu and created a nuisance and tried to plough in that poramboke field, Alagudi Vanarapettai, Sivakamipuram 8 Karambai and Rottipalaiyam, Thanjavur District.

For Petitioner	: Mr.K.S.Durai Pandian
For Respondents	: Mr.V.Neelakandan
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the Respondents to expedite enquiry on the complaint of the petitioner dated 11.09.2020 and pass a suitable order as per Section 133 of Cr.P.C. for removal of encroachment over the government outlying drainage canal.

2.The learned counsel for the petitioner would submit that the petitioner has preferred a complaint dated 11.09.2020 before the first respondent under Section 133 of Cr.P.C., complaining about the



nuisance caused by Ayyavu and Marimuthu, who have occupied the Government outcrop drainage canal belonging to the Village and tried to build the climb for cultivation. The petitioner is having patta land to an extent of 1.64 acres in Vallam Alamgudi Village, Thanjavur District. A case has been registered at the Vallam Police Station seeking action against Ayyavu and Marimuthu and the case has been referred to the Revenue Divisional Officer, Thanjavur for investigation as the issue is civil in nature. The petitioner gave a complaint to the second respondent on 10.09.2020 and the same has been forwarded to the first respondent on 11.09.2020 the second respondent has directed the third respondent for taking necessary action to remove the encroachment by letter in Na.Ka.No.3774/2020/A3 dated 08.09.2020, but till date, the respondents have not removed the encroachment. Again, he sent a representation to the second respondent for proper inquiry. But no action has been taken in this regard. Hence, the petitioner seeks for speedy disposal of the above complaint dated 11.09.2020.

3.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that based on the complaint given by the petitioner a case has been registered in Crime No.41 of 2020 for the offence under Sections 294(b), 323 and 506(i) of IPC and the matter is pending before the District Collector, Thanjavur. He would also state that it is for the first respondent to take action on the petitioner's complaint and remove the encroachment and therefore, the petitioner sought for a direction to the first respondent to consider the representation.

4.Considering the facts and circumstance of the case, this Court without going into the merits of the case, directs the District Collector, Thanjavur District / first respondent to consider the petitioner's complaint, dated 11.09.2020 on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and to the rival parties, if any.

5.With this direction, the Criminal Original Petition is disposed of.

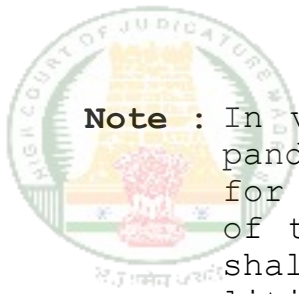
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

WEB COPY

To

- 1.The District Collector
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Thanjavur.
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Revenue Divisional Office,
Thanjavur District.
- 3.The Thasildar
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Thanjavur.
- 4.The Inspector of Police
Vallam Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (26.11.2020) 3P 6C