



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

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CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.8103 of 2018

K.Vasanthi
W/o.K.Kesavan

...Petitioner/Complainant

Vs.

1. G.Dinakaran,
S/o.Ganesan

2. The Sub-Divisional Executive Magistrate
Cum Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

...Respondents

[R2 is impleaded as per the order
of the Hon'ble Court dated 02.04.2018
made in Crl.MP.No.4859/2018 in
Crl.OP.No.8103/2018]

PRAYER: Criminal Original petition has been filed under Section 482 of Cr.P.C, prayed to direct the learned Sub-Divisional Executive Magistrate Cum Revenue Divisional Officer, Tiruvannamalai, to complete the proceedings initiated under Section 133 of Cr.P.C in M.C.No.A4/4924/2016 dated 07.04.2017 and 05.12.2017 pending on his file by following the provisions of 136, 138 and 141 of the Cr.P.C and pass final orders with regard to the nuisance created by the respondent herein.

For Petitioner : Mr.K.S.Rajagopalan
For Respondents : Mr.C.E.Pratap
R2 Government Advocate (Crl.Side)

ORDER

This petition has been filed by the petitioner to direct the learned Sub-Divisional Executive Magistrate Cum Revenue Divisional Officer, Tiruvannamalai, to complete the proceedings initiated under Section 133 of Cr.P.C in M.C.No.A4/4924/2016 dated 07.04.2017 and 05.12.2017 by following the provisions of



Sections 136, 138 and 141 of the Cr.P.C and pass final orders with regard to the nuisance created by the first respondent herein.

2. The learned counsel for the petitioner has submitted that the petitioner is the owner of a Marriage Hall. The first respondent was running a Rice Mill located in the next building which is overlooking her marriage hall. The emission of carbon from the Rice Mill is very high in density and the same settles in the marriage hall of the petitioner and causes public nuisances who gather in and around the petitioner's marriage hall. Hence, the people are not coming forward to book the marriage hall. Though, the petitioner requested the owner of the Rice Mill to take some steps for effectively controlling the pollution created by his rice mill, he has not done anything. Therefore, the petitioner preferred a complaint against the first respondent.

3. The learned Government Advocate (Crl.Side) has submitted that the second respondent may be directed to complete the proceedings in M.C.No.A4/4924/2016 dated 07.04.2017 and 05.12.2017 within a period of four weeks.

4. The facts in issue are not disputed. In view of the hindrance expressed by the petitioner for which a complaint has been registered and matter is pending before the authority, this Court, without going into the merits of the contentions, recording the submissions of the learned Government Advocate, directs the second respondent to complete the proceedings within a period of four weeks, if not already completed.

5. With the above directions, this criminal original petition is disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Vv
To

1. The Sub-Divisional Executive Magistrate
Cum Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.



2. The Public Prosecutor,
High Court of Madras,
Chennai.

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Cr1.O.P.No.8103 of 2018

SV-I (CO)
LS (26/07/2021)