



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

CORAM :

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THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

W.P. (MD)No.8361 of 2021

and

W.M.P (MD) .No.6329 of 2021

Rafeekraja

... Petitioner

Vs.

1. The Sub Collector / Revenue Divisional Officer,
Kulithalai,
Karur District.

2. The Thasildar,
Kulithalai,
Karur District.

3. The Block Development Officer,
Thogamalai,
Karur District.

4. The Inspector of Police,
Thogaimalai Police Station,
Karur District.

5. S.Arockiyasamy

6. Periyamayagam

7. Santhanam Aasari

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, directing the 1st respondent to initiate proceedings U/s. 133(1)(a) of Cr.P.C against the respondents 5 to 7 and removing the Gravel Stones dumped in front of the Petitioner Textile and Readymade shop of "Sumangali Sarees and Ready Mates" situated at D.No.20/258, Thogaimalai, Kulithalai Taluk, Karur District.

For Petitioners : Mr.R.Murugappan

For Respondents : Mr.S.Bharathi
Government Advocate (Crl.Side)

For R1 & R2.
Mr.M.Karuppasamy,



Government Advocate for R3.

ORDER

This petition is filed seeking a direction to the first respondent to initiate proceedings under Section 133(1)(A) Cr.P.C. against the respondents 5 to 7 for removing the Gravel Stones dumped in front of the petitioner Textile and Readymade shop of "Sunabgali Sarees and Ready Mates" situated at D.No.20/258, Thogaimalai, Kulithalai Taluk, Karur District.

2. The learned counsel for the petitioner submits that the petitioner is running a Textile Shop in the above said name and the private respondents namely 5 to 7 by dumped Gravel Stone and are causing Nuisance to General Public as well as the petitioner from using the road. So, this is Public nuisance under Section 133(1)(A) of Cr.P.C. So, the first respondent is bound to remove the nuisance. He made a representation to the first respondent dated 19.04.2021 to official authorities. But no action has been taken. Hence this petition is filed.

3. Heard both sides.

4. Hearing of the learned counsel for the petitioner and the learned Government Advocate it is seen that the petitioner is running a textile shop. There is a dispute between the petitioner and the landlord in respect of which suit in O.S.No.50 of 2021 has been filed by the petitioner against the private respondents herein for permanent injunction on 03.04.2021. There was an occurrence in respect of which this petitioner lodged a complaint against the private respondents before the Karur Police Station in Crime No.106 of 2021 under Sections 342 & 502 of IPC. In this background this petition has been filed.

5. The learned Public Prosecutor would submit that as per Section 133(1)(A) of Cr.P.C., a report must be submitted by the concerned Police Officer and on the basis of their information, action can be initiated. In this case, the dispute is between this petitioner and the private respondents.

6. Lease disputes and criminal cases cannot be a matter for consideration, in this petition, so without going in to the merits of the case, a direction may be issued to the first respondent herein. The first respondent is hereby directed to take appropriate action as provided under Section 133(1)(A) of Cr.P.C by giving notice to all the parties concerned and if necessary by taking evidence also and may pass orders on merits within 15 days from the date of receipt of a copy of this order.



7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

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// True Copy //

/ /2021

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.

kmm

To

1. The Sub Collector / Revenue Divisional Officer,
Kulithalai,
Karur District.
2. The Thasildar,
Kulithalai,
Karur District.
3. The Block Development Officer,
Thogamalai,
Karur District.
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+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-17280[F] dated 23/04/2021)

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GS (28.06.2021) 3P 6C