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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9390 OF 2022

1.Ganesan
2.Thajudeen
3.Harihara Krishnan
4.P.T.Joseph
5.M.Elizabeth

... Petitioners

Vs.

The District Collector / District Magistrate,
Collectorate,
The Nilgiris,
Udhagamandalam- 643 001.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register a case, conduct an enquiry and take action against the Ooty Dreams Classifieds Private Limited and its authorised representative based on the petition filed by the petitioner u/s 133(1) (a) r/w (i) & (iii) of the code of Criminal Procedure, 1973 dated 01.07.2021.

For Petitioner : Mr.K.Arul

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent to register a case, conduct an enquiry and take action against the Ooty Dreams Classifieds Private Limited and its authorised representative based on the petition filed by the petitioner u/s 133(1) (a) r/w (i) & (iii) of the code of Criminal Procedure, 1973 dated 01.07.2021.



2. Learned Counsel for the petitioner would submit that the petitioners are the residents of Chandra Colony for more than two decades. He would submit that the petitioners have given a representation to the 1st respondent/District Collector and District Magistrate, Nilgiris, Udhagamandalam to take action against Ooty Dreams Classifieds Private Limited and its authorised representative, based on the petition filed on 01.07.2021. Since, no action has been taken by them, the present Petition has been filed. He would submit that the petitioners are residents of Chandra Colony, which is parallel to the Carolina road, where there is a water stream which has its origin from the Tea Estate opposite to the Chandra colony. The water stream is perennial throughout the year and water flows from that Tea Estate which crosses the Carolina road through an under bridge constructed during the British period. She would submit that the stream also drains rain water flowing from Mount Pleasant area, Ottupattarai area and Pazhathottam area. During heavy rains, the water level will be higher but the tunnel helps in connecting the other side of the stream avoiding erosion and floods.

3. Learned counsel for the Petitioner would further submit that Ooty Dreams Classifieds Private Limited is the owner of the tea estate and the property is located opposite to the petitioners houses. The tea estate has a total extent of plantation area around 50 acres approximately and that they have cleared the tea estate for commercial exploitation to an extent of 12 acres and the plantation was uprooted and the land has been levelled to the extent of Carolina road without obtaining proper authorisation from the 1st respondent, due to which, whenever it rains heavily, the water gets into the houses of the petitioner and thereby causes public nuisance and hardship to the petitioners. She would further submit that the petitioners have given a representation to the respondent. Whereas, the respondent has been sitting over the petition of the petitioners dated 01.07.2021, without taking any action.

4. Heard both sides and perused the materials available on records.

5. The 1st Respondent, being the Statutory authority is bound to take action on the representation of the petitioners. The 1st respondent shall consider and pass orders on the representation of the petitioners dated 01.07.2021, within a period of eight weeks from the date of receipt of a copy of this order.



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

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Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nti/sai

To

1. The District Collector / District Magistrate,
Collectorate,
The Nilgiris,
Udhagamandalam- 643 001.
2. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.K.Arul, Advocate, S.R.No.27936

Cr1.O.P.No.9390 of 2022

GPL(CO)
RLP(09/05/2022)