



W.A.No.2908 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2908 of 2023

Naji Bunisha Jaburimohamed

.. Appellant

Vs.

1.The Revenue Divisional Officer,
Mayiladuthurai,
Nagapattinam District.

2.Department of Civil & Structural Engineering,
Annamalai University,
Annamalai Nagar-608 002.

3.The Professor and Head of Department,
Department of Civil Engineering,
Anna University,
Guindy, Chennai-600 025.

.. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 19.6.2023 made in W.P.No.24705 of 2018.

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For the Appellant : Mr.K.S.Ilangovan
for M/s.Achari and Antoni
Associates

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader
for respondent No.1

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.K.S.Ilangovan, learned counsel for M/s.Achari and Antoni Associates, learned counsel for the appellant and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the first respondent.

2. The appellant is challenging the order of the learned Single Judge. The petitioner had filed the writ petition challenging the notice issued by the Revenue Divisional Officer exercising power

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under Section 133(1)(iv) of the Code of Criminal Procedure, 1973.

The learned Single Judge dismissed the writ petition.

3. It is submitted by learned State Government Pleader that the Letters Patent Appeals are not maintainable in a proceeding initiated under the Code of Criminal Procedure.

4. The matter pertains to the notice issued to the appellant for removal of the structure on the ground that the building is in a dilapidated condition. The Annamalai University had submitted a study report in respect of the building in question. The Government Engineers' report suggests that the building is not repairable and should be demolished and unfit for habitation.

5. The learned Single Judge has considered the report of the experts and has passed the order.

6. In view of that, we do not find any infirmity in the order of the learned Single Judge. The appeal, as such, is disposed of.

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There will be no order as to costs. Consequently, C.M.P.No.24150 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

20.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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