



WEB COPY

Crl.R.C.(MD) No.420 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.420 of 2023

and

Crl.M.P.(MD)No.6231 of 2023

T.Sugumaran

... Petitioner

Vs.

1.The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Madurai District.

2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.

3.M/s.Shree Varaaha Packages,
represented by its Partner
Gandhi Nimmi

...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order in Na.Ka.No.7001/2022/C dated 23.12.2022 on the file of the Respondent No.1 and set aside the same as illegal.



Crl.R.C.(MD) No.420 of 2023

WEB COPY

For Petitioner : Mr.I.Pinaygash
For R1 & R2 : Mr.R.Sivakumar,
Government Advocate (Crl. Side)
For R3 : Mr.R.Murugan

ORDER

This Criminal Revision is directed against the order passed in Na.Ka.No.7001/2022/C dated 23.12.2022 on the file of the first respondent.

2. It is evident from the records that the petitioner has sent a representation dated 19.07.2022 to the respondent police and since they have not taken any action, the petitioner has filed a writ petition in W.P. (MD)No.18429 of 2022 seeking a Writ of Mandamus, directing the second respondent to initiate proceedings under Section 133 Cr.P.C. against the fourth respondent therein, who is the third respondent herein, for creating public nuisance by putting up factory for manufacturing of Corrugated Boxes, Corrugated Paper Board at Survey Nos.499/1G, 499/6A, 466/6B & 466/1H totally admeasuring 1 Acre 24 cents and a building constructed thereon bearing Door No.2/238 at Katchakatti



Crl.R.C.(MD) No.420 of 2023

WEB COPY

Village, Semminipatti Panchayat, Vadipatti Taluk, Madurai District by considering the representation dated 19.07.2022 and this Court has directed the second respondent to consider the petitioner's representation dated 19.07.2022 and pass orders on merits in accordance with law within a period of four weeks from the date of receipt of a copy of that order. In pursuance of the same, the first respondent, by observing that there is no necessity to initiate proceedings under Section 133 Cr.P.C., has passed the impugned order. Aggrieved by the said order, the present criminal revision came to be filed.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

4. When the matter is taken up for hearing today, the third respondent has filed an undertaking affidavit, wherein, it has been stated that there is no manufacturing activity in their company.



Crl.R.C.(MD) No.420 of 2023

WEB COPY

5. At this juncture, the learned counsel appearing for the petitioner would submit that the undertaking given by the third respondent may be recorded and this petition may be closed. He would further submit that the village panchayat may be directed to monitor the activities of the company. But as rightly pointed out by the learned Government Advocate (Criminal Side), if there is any violation or if there is any issue, the petitioner can very well prefer a complaint.

6. As rightly pointed out by the first respondent, Pollution Board has also been monitoring the activities of the third respondent company.

7. Recording the undertaking given by the third respondent, this Criminal Revision case is disposed of. Consequently, connected Miscellaneous Petition is closed.

22.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm



Crl.R.C.(MD) No.420 of 2023

WEB COPY To:-

- 1.The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Madurai District.
- 2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD) No.420 of 2023

K.MURALI SHANKAR, J.

csn

**ORDER MADE IN
Crl.R.C.(MD)No.420 of 2023
and
Crl.M.P.(MD)No.6231 of 2023**

Dated : 22.06.2023