



WP(MD)No.15493 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.15493 of 2016

Sellamuthu

... Petitioner

v.

1.The District Collector,
Collectorate,
Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.Balasanmugam

4.Vijayarani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to complete the enquiry pending on his file in Na.Ka.A3/3657/2016 dated 27.07.2016, within a stipulated time limit.



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For Petitioner : No appearance

For Respondents : Mr.M.Siddhardhan,
Additional Government Pleader
for R.1 & R.2

No appearance for R.3 & R.4

ORDER

The petitioner has approached this Court for a mandamus directing the second respondent to conclude the enquiry pending in Na.Ka.A3/3657/2016 dated 27.07.2016, within a stipulated time limit.

2. There is no representation for the petitioner.

3. Learned Additional Government Pleader, on instructions, submitted that since it is a dispute between two neighbours, the respondents have not proceeded further.

4. The grievance of the petitioner is that his neighbour is causing nuisance and is not removing the tree, which is endangering his property.



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WEB COPY 5. Whenever, a District Magistrate or a Sub Divisional Magistrate receives a report either from a police officer or other information that any building or any tree is in such a condition that it is likely to fall and thereby, cause injury to the persons living in the neighbourhood, he can take appropriate action under Section 133(d) of the Criminal Procedure Code.

6. It appears that the second respondent, who is having power under Section 133(d) Cr.P.C., has already initiated proceedings by issuing a notice for enquiry in Na.Ka.A3/3657/2016 dated 27.07.2016, however, the second respondent has not proceeded further.

7. Therefore, this writ petition is disposed of with a direction to the second respondent / Revenue Divisional Officer to consider the case of the petitioner under Section 133(d) of the Criminal Procedure Code and to take appropriate action, after providing an opportunity of hearing to the petitioner and the respondents 3 & 4, within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY There shall be no order as to costs.

Index : Yes / No

NCC : Yes / No

gk

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B.PUGALENDHI, J.

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