



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

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CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2653 of 2024

R.Vijayakumar

...Petitioner

Vs.

1.The District Magistrate and District Collector
Office of The District Collector,
Fourth Floor, M.Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai - 600 001.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai - 600 003.

3.The Chairman
Chennai Metropolitan Water Supply and Sewerage Board,
Pumping Station Road, Chintadripet, Chennai - 600 002.

4.Zonal Executive Engineer (Zone-XV), GCC
No.120, Rajiv Gandhi Salai, Sholinganallur, Chennai - 600 119.

5.Malar

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to invoke his powers under Section 133 of Cr.P.C. and take appropriate and immediate action to direct the 5th respondent to remove the public nuisance made by her by running the temporary shelter and causing water stagnation and Lack of sanitation in Survey No.41/15 in Pillayar Koil Street, Thoraipakkam, Chennai - 97 within the time frame.



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For Petitioner : M/s.S.Vasavi Sridevi

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1

Mrs.P.T.Ramadevi
Standing Counsel for R2 and R4

ORDER

This criminal original petition has been filed for a direction to the 1st respondent to invoke powers under Section 133 of Cr.P.C., and to take immediate action against the 5th respondent and to remove the public nuisance created by the 5th respondent by running a temporary shelter and causing water stagnation and lack of sanitation in the subject property.

2.When the matter came up for hearing on the previous occasions, this Court directed the learned Additional Public Prosecutor appearing on behalf of the 1st respondent and also the learned Standing Counsel appearing on behalf of respondents 2 to 4 to take instructions. Accordingly, the matter was posted for hearing today.

3.When the matter was taken up for hearing, the learned Standing Counsel appearing on behalf of the Corporation submitted that already several warnings have been issued to the concerned land owner. But however, he continued to have temporary shelter with lack of sanitation causing public nuisance. Hence, complaint



was also given to the police to take action.

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4. Taking into consideration the facts and circumstances of the case and also of the fact that human beings are being dealt with under inhuman conditions and there is complete lack of sanitation as a result of such human beings being given shelter in temporary sheds, there shall be a direction to the 1st respondent to immediately initiate proceedings by invoking the power under Section 133 of Cr.P.C. The 1st respondent shall issue notice to the 5th respondent and shall proceed further with the enquiry and shall ensure that the public nuisance is removed and the persons who are accommodated are being taken to safer and healthy atmosphere. This process shall be completed by the 1st respondent, within a period of eight weeks from the date of receipt of copy of this order.

5. This criminal original petition is disposed of with the above directions.

20.02.2024

Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

ssr



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N.ANAND VENKATESH, J

SSR

To

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- 5.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.2653 of 2024

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