



W.P.(MD)No.23581 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23581 of 2024

N.Parameshwari

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Madurai.

2.M.Ramathilagam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to take appropriate action under Section 152 of BNSS, 2023 to prune the branches of the trees causing nuisance in the petitioner's property in Survey No.36/3A of Alanganallur Village, Vadipatty Taluk, Madurai District considering the petitioner's representation dated 08.08.2024 within the time stipulated by this Court.

For Petitioner : Mr.A.S.Abul Kallam Azad
for M/s.Spicy Law Firm
For R1 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking a direction to the first respondent to take appropriate action under Section 152 of BNSS, 2023 to



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prune the branches of the trees causing nuisance in the petitioner's property in Survey No.36/3A of Alanganallur Village, Vadipatty Taluk, Madurai District considering the petitioner's representation, dated 08.08.2024 within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The petitioner is the owner of the subject property. She constructed a house and living in that house. In the adjoining property, the second respondent had planted coconut trees and it is likely to be falling on the petitioner's property at any time. Hence, in this regard, the petitioner has given a representation to the first respondent to remove the trees. Since the same was not considered, the petitioner has filed this writ petition.

4.The learned Special Government Pleader, on instructions, submitted that the petitioner had recently put up a construction near the agricultural land. However, the agricultural land is in existence for more than 30 years. He further submitted that the agricultural land is situated more than 30 feet away from the petitioner's house and there is no nuisance as alleged by the petitioner.



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5.The submission made by the respondents is recorded. If the branches of the trees are hanging over the building, it may cause danger to the building. Hence, the respondent shall conduct an enquiry, if any branch of the tree is likely to be falling on the petitioner's building, then remove the same. It is made clear that if the respondent is of the view that mere removal of branches alone is sufficient, so that the branches will not fall on the petitioner's property, the respondent shall pass such orders in accordance with law within a period of one week from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs.

03.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

The Revenue Divisional Officer,
Madurai.



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N.SATHISH KUMAR, J.

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