



W.P.(MD)No.29012 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29012 of 2022

and

W.M.P.(MD).Nos.22989 & 22990 of 2022

M.Raspect Niyalsingh Mani

... Petitioner

Vs

1.The District Collector,
Tirunelveli District.

2.The Executive Magistrate cum Sub Collector,
Cheranmahadevi Sub Division,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned notice issued by the second respondent vide his proceedings in Na.Ka.No.அ1/7600/2022 dated 06.12.2022 and quash the same and consequently direct the respondents not to interfere into the petitioner's peaceful possession and enjoyment of petitioner's properties situated in Survey Nos.2060/1 A, 1 B, 2, 3A, 3B, 4 5A, 5B, 6C1, 6C2, 6D1, 6D2, Perungudi Village, Part-II, Kavalkinaru Radhapuram Taluk, Tirunelveli District.

For Petitioner

: Mr.R.Anand

For Respondents

: Mr.B.Nambiselvan,
Additional Public Prosecutor



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ORDER

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This Writ Petition has been filed seeking to quash the impugned notice issued by the second respondent vide his proceedings in Na.Ka.No.அ1/7600/2022 dated 06.12.2022 and consequently direct the respondents not to interfere into the petitioner's peaceful possession and enjoyment of the petitioner's properties situated in Survey Nos.2060/1 A, 1 B, 2, 3A, 3B, 4 5A, 5B, 6C1, 6C2, 6D1, 6D2, Perungudi Village, Part-II, Kavalkinaru Radhapuram Taluk, Tirunelveli District.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the above said property. The grievance of the petitioner is that the second respondent has issued the impugned order dated 06.12.2022 by calling upon him to remove the barbed wire fencing that has been put up by him in his property to an extent of 5.6 meters at the boundary in West and directed him to submit his explanation or or before 23.12.2022. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would further submit that the second respondent has to act in the manner known to law. He would further submit that this Court may permit the petitioner



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to produce the necessary document before the second respondent as per
Section 137 (2) Cr.P.C.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the enquiry will be conducted in the manner known to law and appropriate orders will be passed by the second respondent after providing an opportunity to the petitioner.

5. In view of the above, without expressing any opinion on its merits, this Court directs the second respondent to conclude 133 Cr.P.C. proceedings after providing an opportunity to the petitioner and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

15.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

- 1.The District Collector,
Tirunelveli District.
- 2.The Executive Magistrate cum Sub Collector,
Cheranmahadevi Sub Division,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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