



W.P.(MD)No.570 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.570 of 2025

V.Ramachandran

... Petitioner

Vs.

1. The District Collector
Trichy District
2. The Superintendent of Police
Trichy District
3. The Inspector of Police
Vathalai Police Station,
Trichy District
4. The Block Development Officer
Musiri Union, Trichy District
5. Gurunathan
6. Hariharan
7. Gopal
8. Andrews Marry

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the second respondent to take criminal action against the respondents 5 to 8 herein based on the petitioner's representation dated 20.12.2024.



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For Petitioner : Mr.A. Balaji
for Mr.R.Soundarapandian

For Respondents :Mr.B.Saravanan
No.1 and 4 Additional Government Pleader

For Respondents : Mr.A.Thiruvadi Kumar
No.2 and 3 Additional Public Prosecutor

ORDER

The petitioner filed this Writ Petition seeking to direct the second respondent to take criminal action against the respondents 5 to 8 herein based on the petitioner's representation dated 20.12.2024.

2. The petitioner has sent a representation on 20.12.2024 to the respondents, no action has been taken, hence the above petition has been filed.

3. From the representation of the petitioner it is seen that at the backyard of the petitioner's house there was toilet which was demolished on 16.08.2024 using JCB bearing Reg. No. TN 67 AJ 0694 and on the same night they completed demolition. The petitioner had lodged complaint to the Tahsilhar, Musiri and to the Inspector of Police Musiri.



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Thereafter the panchayat President Gurunathan and one Rajendran an elderly person came there and gave an undertaking that they would pay a sum of Rs.80,000/-for the damages caused and infact through g.pay on 05.09.2024 they paid a sum of Rs.10,000/- and on Rs.11.09.2024 another Rs.10,000/-was paid. Totally a sum of Rs.20,000/-was paid. Thereafter they have failed to make payment hence the petitioner questioned the same for which he was abused and threatened. Further now claiming that without any permission the petitioner has constructed the toilet and hence the demolition of the same was rightly made.

4. The learned counsel appearing for the respondents 1 and 4 would submit that the petitioner was occupying the water channel and he was encroaching upon them and constructed toilet which was earlier objected and the petitioner agreed to remove the same. Thereafter there was a work for construction of wall to the water channel and at that time encroached toilet stood as an obstruction . Later the petitioner was explained and he agreed to remove the encroached toilet in the water body. Since it was taking time after informing the petitioner the encroached portion in the water body was removed. Now the retaining



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wall in the water body is being constructed . The petitioner has also removed the encroachment and now constructing the toilet within his property. He has also produced the photos.

5. The learned counsel further submitted that having the petitioner agreed that he had put up construction in the water body and the same has been removed and now the water body has been retained and the wall is being constructed, which cannot be stated as illegal demolition, Hence prayed for dismissal of the same.

6. Considering the submission and perusal of the materials and also on seeing the photographs it is seen that the respondents are executing work of construction of retaining wall and the encroachment has been removed. The petitioner has also now started the construction of toilet within his property and further a sum of Rs.20,000/- received by the petitioner is not disputed which is for the damages caused to him and the same has not been repaid so far if the petitioner had objections. In view of the same, this Court does not find reason to entertain the petition and the petition is liable to be dismissed.



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7. Accordingly the Writ Petition stands dismissed. No costs.

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NCC : Yes / No
Index : Yes / No
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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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M.NIRMAL KUMAR, J.

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