



W.P.(MD)No.1093 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.1093 of 2025

Raja

... Petitioner

- Vs. -

1. The Executive Magistrate/Revenue Divisional Officer,
Pudukottai.

2. Kailasam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to initiate action under Section 133 (d) of Cr.P.C. for removal of nuisance over the terrace of the petitioners house situate in No. 36, Adappanvayal 2nd street, Pudukottai Taluk and District

For Petitioner	: Mr.N.Balakrishnan
For R1	: Mr.D.Gandhi Raj Special Government Pleader

ORDER

This writ petition has been filed for a direction directing the first respondent to initiate action under Section 133 (d) of Cr.P.C. for removal of nuisance over the terrace of the petitioner's house situate in No. 36, Adappanvayal 2nd street, Pudukottai Taluk and District.



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2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner owned a house site in No. 36, Adappanvayal 2nd street, Pudukottai Taluk and District. While being so, the second respondent, who is the neighbor of the petitioner of his northern side raised trees. The trees and its branches overhang in the terrace of the petitioner's house. Therefore, the petitioner submitted a representation to the first respondent to take an appropriate action as against the second respondent for removal of nuisance over the terrace of the petitioner's house.

4. Admittedly, the subject land is a private land owned by the petitioner. Therefore, no action has been taken under Section 133(d) Cr.P.C against the second respondent. If the petitioner has any grievance as against the second respondent, the petitioner ought to have approached the civil court and filed a suit. The relief sought for by the petitioner in



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WEB COPY this writ petition cannot be granted. This writ petition is liable to be dismissed and the same is dismissed. No costs.

20.01.2025

Index : Yes / No
NCC : Yes / No
CM



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G.K.ILANTHIRAIYAN, J.

CM

TO:-

The Executive Magistrate/Revenue Divisional Officer,
Pudukottai.

Order made in
W.P.(MD)No.1093 of 2025

Dated:
20.01.2025