



W.P.(MD) No.7559 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD) No.7559 of 2025

V.R.P. Mohanraj

... Petitioner

Vs.

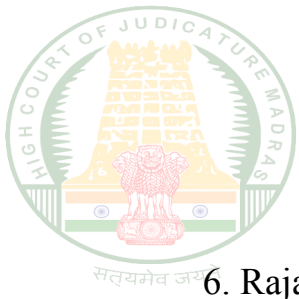
1. The Commissioner,
Madurai Corporation,
Madurai.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Collectorate Campus,
Madurai - 625020.

3. The Tahsildar,
Madurai North Taluk Office,
Collectorate Campus,
Madurai.

4. The Executive Engineer,
Public Work Department (Water Resource - Encroachment),
Pennycuick Building,
Tallakulam,
Madurai.

5. The Inspector of Police,
Sellur Police Station (E2),
Madurai City



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6. Raja

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 4 particularly the 2nd respondent under Section 152 of BNSS, 2023 to remove the nuisance of dilapidated structure situated at South West corner of Town Survey No. 51, situated at ward 10, Block 145, Meenakshipuram, Sellur, Madurai City.

For Petitioner : Mr.R.Murugappan

For R1 : Mr.P.Anbunidhi
Standing Counsel

For R2 to R4 : Mr.M.Senthil Ayyanar
Government Advocate

For R5 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

ORDER

This writ petition has been filed by the petitioner to direct the 2nd respondent to remove the nuisance of dilapidated structure situated at South West corner of Town Survey No. 51, situated at ward 10, Block 145, Meenakshipuram, Sellur, Madurai City.



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WEB COPY 2. The learned counsel appearing for the petitioner would submit that there is a property in dilapidated condition in S.No.51 situated at ward 10, Block 145, Meenakshipuram, Sellur and the petitioner is the adjacent land owner of the property. The 6th respondent has encroached the government property and already the petitioner has filed a petition in W.P(MD).No.24025 of 2024 and W.P(MD)No.3966 of 2016 for removing the encroaching in the water canal. But, the 6th respondent has not fully removed the above said encroachment in the water canal and he also filed two civil suits and the same were disposed of. While so, the petitioner sent a representation dated 25.02.2025 for removal of that nuisance under Section 152 of BNSS, 2023. But, the respondents have not taken any steps, particularly the 2nd respondent, who is the competent person to take action under Section 152 of BNSS, 2023 has not considered. Hence the petition.

3. The learned Government advocate appearing for the respondents no.2 to 4 would submit that they have received the representation of the petitioner. They will complete the enquiry and take appropriate action in accordance with law.



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WEB COPY 4. The learned standing counsel appearing for the 1st respondent would submit that the matter is pertaining to the 2nd respondent and he has to take action.

5. The learned Additional Public Prosecutor (Criminal Side) appearing for the 5th respondent would submit that they have not received the complaint and the matter is pertaining to the 2nd respondent.

6. Considering the prayer of the petitioner, this Court even without issuing notice to the 6th respondent inclined to dispose of the petition.

7. Since the prayer of the petitioner is to consider the representation of the petitioner dated 25.02.2025 and the same is under consideration by the 2nd respondent, it is for the 2nd respondent to dispose of the representation of the petitioner in accordance with. In view of the same and recording the above submission of the respondents, this Court directs the 2nd respondent to consider the representation of the petitioner after affording an opportunity to both the parties and dispose of the same within four [4] weeks from the date of this order.



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8. With the above said observations and direction, this writ petition

is disposed of. No costs.

20.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Commissioner,
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Madurai.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Collectorate Campus,
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3. The Tahsildar,
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Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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