



W.A(MD)No.2936 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A(MD)No.2936 of 2025
& C.M.P.(MD)No.16730 of 2025

Vaikundamani

... Appellant/2nd Respondent

Vs.

1. P.Naina Hameema

... 1st Respondent/Petitioner

2. The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

... 2nd Respondent/1st Petitioner

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to allow the writ appeal and consequently to set aside the order made in W.P. (MD)No.15587 of 2025 dated 09.07.2025 forthwith.

For Appellant : Mr.J.Jeevin

For Respondents : Mr.M.Sarangan (R2)
Additional Government Pleader



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JUDGMENT

*(Delivered by **DR.ANITA SUMANTH, J.**)*

Mr.M.Sarangan, learned Additional Government Pleader, accepts notice for R2. No notice is thought necessary to R1 in light of the order that is being passed now.

2. The present appeal is filed by R2 in W.P.(MD) No. 15587 of 2025. R1 (writ petitioner) had sought a mandamus directing the Revenue Divisional Officer to implement the order passed under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), as per which the appellant was directed to prune the branches of a tamarind tree standing in Survey No. 295/7, South Thamaraiikulam Village, Agateeswaram Taluk, Kanyakumari District (property), that is occupied by R1. That writ petition came to be disposed on 09.07.2025 directing the appellant to do the needful by way of pruning the trees on or before 10.10.2025 and in the event he fails to do so, granting liberty to the R1 to do so himself.

3. Since the appellant did not comply with the above



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direction, R1 stepped in and, according to the appellant, has cut the tree in half. The aforesaid submission constitute questions of facts with which we are not concerned. Suffice it to say that as far as the present appeal is concerned, we find it misconceived as the appellant has not challenged the order passed under Section 152 of BNSS and in such circumstances, he is fully bound to comply with the diktat of that same.

4. This writ appeal stands dismissed in terms of this order. No costs. Connected miscellaneous petition is closed.

[A.S.M.J.] [C.K.J.]
17.10.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps/ssm

To

The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.



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