



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 12053 of 2026 and WMP.Nos.13152 & 13154 of 2026

M.Palanisamy

Petitioner(s)

Vs

1. The Revenue Divisional officer
cum Judicial Magistrate, Revenue
Divisional office, Tiruchengode,
Namakkal district

2.The Tahsildar
Paramathi Velur Taluk office,
Paramathi Velur

3.The Deputy Superintendent of police
Paramathi Velur Namakkal district

4.The Inspector of Police
Nallur Police station, Namakkal district

5.N.Palanisamy

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, calling for the records of the 1st respondent made in proceedings in Na.Ka.1216/ 2025/ C dated 12.03.2025 quash the same as arbitrary illegal without jurisdiction and consequently direct the respondents not to permit or allow the 5th respondent to enter upon or use the petitioners land in Survey No. 151/4 Kuppirikapalayam Village, Perungurichi post, Paramathi vellore taluk, Namakkal district as a pathway or for transporting materials, except in accordance with law.

For Petitioner(s): Mr.N.Umapathi

For Respondent: Mr.M.Rajendiran for R1 & R2
Additional Government Pleader
Mr.V.Meganathan for R3 & R4
Government Advocate (Crl.Side)

ORDER

By consent of both parties, this petition is taken up for final disposal at



the admission stage itself. Since no adverse order is passed against the private respondent, notice to the private respondent is dispensed with.

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2. This petition has been filed challenging the order of the 1st respondent made in proceedings in Na.Ka.1216/ 2025/C dated 12.03.2025, quash the same and consequently direct the respondents not to permit or allow the 5th respondent to enter upon or use the petitioners land in Survey No. 151/4 Kuppirikapalayam Village, Perungurichi post, Paramathi Vellore Taluk, Namakkal district as a pathway or for transporting materials, except in accordance with law.

3. It is the case of the petitioner that the petitioner is the absolute owner in S.No.151/4 and the fifth respondent is the adjacent owner of the land in S.No.151/3B. A dispute arose between the petitioner and the fifth respondent regarding alleged pathway rights over the petitioner's property. The fifth respondent has filed a suit in O.S.No.29 of 2025 before the District Munsif Court, Paramathi seeking permanent injunction and the same is pending. During the pendency of suit, the fifth respondent cultivated sugarcane in his land and attempted to transport through the petitioner's land claiming the existence of a pathway. It is the contention of the petitioner that there is no pathway as per A-Register and settlement records. The fifth respondent lodged complaint before the police and the matter was referred to the first respondent who vide



impugned order permitted that fifth respondent to cut and transport sugarcane through the petitioner's land between 12.03.2025 and 19.03.2025 with police protection. Challenging the said order, the present petition has been filed.

4. The learned counsel for the petitioner submitted that the order of the first respondent may not be used before the Trial Court and the Trial Court without any influence of the order of the first respondent decide the suit independently on the basis of available record.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) and the learned Additional Government Pleader and perused the materials placed on record.

6. Admittedly, the facts of the case are not in dispute. Civil suit filed by the fifth respondent is pending, the first respondent for transporting the harvested sugarcane by the fifth respondent vide impugned order dated 12.03.2025 permitted the fifth respondent to transport sugarcane temporarily with the help of police protection on sympathetic ground from 12.03.2025 to 19.03.2025. This Court is of the view that the impugned order only permits the fifth respondent to use pathway for carrying on the harvested sugarcane for a period from 12.03.2025 to 19.03.2025 and the right of usage as pathway is only to be determined the civil court. Admittedly, a civil suit in O.S.No.29 of 2025 is also pending on the file of District Munsif Court, Paramathi filed by the fifth



respondent. The Trial Court is directed to decide the suit independently without influence of the order of the first respondent as expeditiously as possible.

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7. Accordingly, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petitions stand closed.

15-04-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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cum Judicial Magistrate, Revenue
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