



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10105 of 2013
and
M.P(MD)No.1 of 2013

A.Selvaraj

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
-cum-sub Divisional Magistrate,
Madurai,
Madurai District.

2.The Tahsildar,
Madurai South,
Madurai District.

3.The Assistant Commissioner,
Zone III,
Madurai Corporation,
Madurai.

4.A.Sundaram

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the impugned communication dated 05.06.2013 issued by the 1st respondent in Na.Ka.No.4457/2013/A and quash the same and consequently forbearing the respondents No.1 to 3 from interfering the civil dispute in O.S.No.252 of 2013 pending on the file of the Additional District Munsif Court, Madurai regarding the usage of the private common pathway of the petitioner leading towards south for 58x4 $\frac{3}{4}$ feet common private pathway I.e, Samiasari Lane, to reach the Chinnakadai Street, Madurai-1 from petitioner's house in door no.5/a.

For petitioner : M/s.A.Suresh Babu

For R1 to R3 : Mr.M.Govindan
Additional Government Pleader.

**ORDER**

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner challenges the order passed under Section 133 of the Criminal Procedure Code.

2. It is seen that the first respondent had issued only a conditional order. The writ petitioner can respond to the same. If the writ petitioner denies the existence of public right, the first respondent will have to take evidence hold enquiry and only thereafter, the conditional order can be made absolute.

3. To safeguard the interest of the petitioner's right, time is extended till 31.08.2017 to show cause before the first respondent against the said conditional order. It is open to the first respondent to proceed with the matter in accordance with law.

4. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer,
-cum-sub Divisional Magistrate,
Madurai,
Madurai District.

2. The Tahsildar,
Madurai South,
Madurai District.

3. The Assistant Commissioner,
Zone III,
Madurai Corporation,
Madurai.

+1CC TO M/S. L.MADHUSUDHANAN, ADVOCATE, SR NO.71131

+1CC TO M/S. A.SURESH BABU, ADVOCATE, SR NO.70481

ORDER MADE IN
W.P (MD) No.10105 of 2013

and
M.P (MD) No.1 of 2013

04.08.2017