



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.17552 of 2018

Mohammad Yusuf

... Petitioner

vs.

1. The District Collector,
Kanyakumari District
at Nagercoil.
2. The Revenue Divisional Officer,
Padmanabapuram,
Thuckalay, Kanyakumari District.
3. The Assistant Superintendent of Police,
Padmanabapuram,
Thuckalay, Kanyakumari District.
4. S.Abdul Hameed
5. Suresh Raman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the respondent 1 to 3 to resolve the pathway issue by remains the obstruction made by the respondents 4 and 5 by enabling the petitioner and his family members to enter into his residential building bearing door No.12/81, 81A, 81B of Manavalakuruchi Panchayat.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents: Mr.A.Muthukaruppan

Additional Government Pleader for R1 to R3

O R D E R

Mr.A.Muthukaruppan, learned Additional Government Pleader, takes notice for the respondents 1 to 3. Notice to the respondents 4 and 5 is dispensed with in view of nature of the order to be passed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The issue involved in this writ petition pertains to a



common property being enjoyed by both the petitioner as well as the private respondents.

3. The dispute in all fours appears to be purely civil in nature. Already, a suit in O.S.No.54 of 2014 has been filed on the subject matter by the petitioner. In spite of working out his rights before the Civil Court, the petitioner has approached this Court by filing the present writ petition for the same cause of action.

4. Therefore, this Court is of the considered view that the writ petition is not maintainable and it is open to the petitioner to seek appropriate remedy before the Civil Court as the dispute appears to be purely civil in nature. The writ petition is, hence, dismissed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The District Collector,
Kanyakumari District,
at Nagercoil.
2. The Revenue Divisional Officer,
Padmanabapuram,
Thuckalay, Kanyakumari District.
3. The Assistant Superintendent of Police,
Padmanabapuram,
Thuckalay,
Kanyakumari District.

+ 1 CC TO Mr.K.P.NARAYANAKUMAR, ADVOCATE IN SR No. 77573
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 77519

KRK
TE/RP/SAR-3 : 23/08/2018 : 2P/6C

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