



W.P.No.22811 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.22811 of 2021 and
WMP Nos.24037 & 24039 of 2021

R.Sivakumar

... Petitioner

Vs.

1. District Collector,
O/o. District Collector,
Namakkal.
2. Sub-Divisional Magistrate /
Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Namakkal.
3. Tahsildar,
Taluk Office,
Namakkal.
4. Inspector of Police,
Nallipalayam,
Namakkal.
5. S.Ramasamy
6. N.Marimuthu
7. T.K.Ramasamy
8. N.Senthil
9. Shanthi
10. V.Kannammal

...Respondents

1/4



W.P.No.22811 of 2021

Writ petition is filed under Section 226 of the Constitution of India to issue a Writ of Certiorari, to call for the entire proceedings of the 2nd respondent herein in Na.Ka.No.848/2021, dated 10.02.2021 issued u/s. 44(2) of Code of Criminal Procedure, 1973 and quash the same.

For petitioner : Mr.S.Xavier Felix

For Respondents 1 to 4 : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to quash the proceedings of the 2nd respondent made in Na.Ka.No.848/2021, dated 10.02.2021 issued under Section 44(2) of Code of Criminal Procedure, 1973 .

2. Today when the matter is taken up for hearing it is represented by the learned counsel appearing on either side that the petitioner and respondents 5 to 10 have filed separate civil suits in this regard.

3. On perusal of the impugned order, dated 10.02.2021, it is seen that the 3rd respondent has claimed the pathway as public pathway and not a private pathway as claimed by the parties. Despite the same, neither the petitioner nor the respondents had impleaded the Government as party in



W.P.No.22811 of 2021

their respective civil suits. Unless the Government is added as a party to the civil suit proceedings, the nature of the pathway whether it is public or private , cannot be decided effectively.

4. The learned counsel for the petitioner would submit that he will take steps to implead the Government as party to the civil suit proceedings. Since the Government has claimed that the alleged pathway is a public one and the petitioner claims that it is a private pathway, the matter is civil in nature. Hence, I feel it is appropriate for the petitioner to seek appropriate remedy before the Civil Court by impleading the Government as a party to the civil suit proceedings.

5. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.10.2022

vum
Index:yes/No
Speaking order / Non speaking order

3/4



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W.P.No.22811 of 2021

R.N.MANJULA,J.

vum

To

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O/o. District Collector,
Namakkal.
2. The Sub-Divisional Magistrate /
Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Namakkal.
3. The Tahsildar,
Taluk Office,
Namakkal.
4. The Inspector of Police,
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