



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD)No.8085 of 2020

and

W.M.P. (MD)Nos.7511 and 7512 of 2020

P.Ramar @ Poosari Ramar

...Petitioner

/Vs./

1.The Sub-Divisional Magistrate Cum
Revenue Divisional Officer,
Usilampatti, Madurai District.

2.Subburaj

...Respondents

(R2 is impleaded vide Court order dated 12.03.2021 in W.M.P. (MD) No.497 of 2021 in W.P. (MD)No.8085 of 2020)

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari, to call for the records of the impugned order of respondent in Rc.A1/1648/2020 dated 19.06.2020 and quash the same.

For Petitioner: Mr.S.Siva Ilayaraja
For R1 : Mr.M.Sakthi Kumar,
Government Advocate.

ORDER

This Writ Petition is filed challenging the order dated 19.06.2020 passed by the Sub-Divisional Magistrate Cum Revenue Divisional Officer / first respondent under Section 133 of Cr.P.C.

2. It is the contention of the learned counsel appearing for the writ petitioner that the subject matter of the Writ Petition relates to a public pathway, which is not a common pathway, whereas, now, the impugned order has been passed by the first respondent without any enquiry. Aggrieved by the same, the present Writ Petition is filed.

3. On a perusal of the impugned order of the first respondent and the averments in the writ petition, it is seen that the petitioner claims right over the immovable property, which is a public pathway, whereas, the second respondent claims that it is an individual property.



4. As the dispute between the petitioner and the second respondent is civil in nature, this Court directs both the parties to go before the Civil Court to establish their right over the immovable property, which is the subject matter of the writ petition. Until their rights are adjudicated before the civil suit, both the petitioner and the second respondent shall not put up any construction over the subject property.

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

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

VSM

To
The Sub-Divisional Magistrate Cum
Revenue Divisional Officer,
Usilampatti, Madurai District.

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate (SR-10710[F] dated 08/03/2022)

W.P. (MD)No.8085 of 2020

04.03.2022

SB (CO)

TR(28.03.2022) 2P 3C