



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 6901 of 2025

and

W.M.P.No.7608 of 2025

1. Pavayee

Wo.Late.P.Ganapathy,

Periyeri Village And Post,

Thalivasal Post, Salem District

2.G.P.Arul Arashu

S/o.Late.P.Ganapathy,

Periyeri Village And Post,

Thalivasal Post, Salem District

3.G.Anbu Kumar

S/o.Late.P.Ganapathy,

Periyeri Village And Post,

Thalivasal Post, Salem District

Petitioner(s)

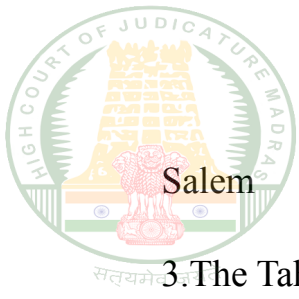
Vs

1. The District Collector

Salem District, Salem

2.The Assistant Collector

District Rural Development Agency,



WEB 3.The Tahsildar
Thalaivasal Taluk, Salem District

4.The Block Development Officer
Thalaivasal Panchayat Union,
Thalaivasal Post, Salem District

Respondent(s)

PRAYER

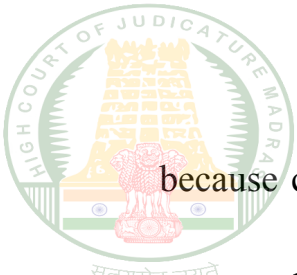
Forbear Respondents 1 to 4 from interfering with the patta lands for laying a public road in Survey No.379/6 measuring 1.20.5 hectare situated at Periyeri, Thalaivasal Taluk, Salem District.

For Petitioner(s): M.S.Palaniswamy
V.Ravichandran
P.K.Shiva Kumar
R.Soundhari
J.Lingitha

For RR1 to 3 Ms.Meera Arumugam, AGP
For R4 Mr.M.Rajendiran, AGP

ORDER

The issue raised in the writ petition should be rightly addressed by a suit for declaration that the petitioners are entitled for the entire extent of the property, and that there does not exist a cart track over their land. This is



WEB COPY

because clause 7 of the Assignment, on the basis of which the grant of land was made, produced by Mr.M.S.Palaniswamy, discloses a condition of the assignment that the petitioner shall not obliterate any cart track/pathway running over the said property.

2. Though Mr.M.S.Palaniswamy, refers to earlier judgment and decree dated 18.9.2000 passed in A.S.No.19 of 1998 on the file of Sub Judge, Attur, I am of the view that the plea raised in the writ petition requires evidence, both oral and documentary, in order to proceed further. While the learned counsel submits that no pathway exists, the FMB produced by the learned Additional Government Pleader appearing for the fourth respondent indicates that there has been a pre-existing pathway.

3. These are disputes on facts, which would not be proper to probe into in a writ petition.

4. Mr.Palaniswamy seeks permission to withdraw the writ petition with liberty to file a suit before the jurisdictional court.

5. I consider the request of Mr.Palaniswamy reasonable. The liberty sought for by Mr.Palaniswamy is granted. He shall move the jurisdictional civil



court for appropriate reliefs, if he is so advised.

WEB COPY

6. I notice that an interim order of status quo order has been granted by this court and it is continuing till date. Such order shall continue for a further period of four weeks from today. On expiry of the four weeks, the interim order shall expire. It is open to the petitioner to move the jurisdictional civil court and obtain appropriate interim orders. As the entire papers have already been served on the State, the same shall be treated as notice under Section 80 of CPC. It is also open to the petitioner to move an application before the jurisdictional civil court to dispense with notice.

6. Accordingly, the writ petition is dismissed as withdrawn with the above observations. No costs. The connected miscellaneous petition is also dismissed.

09-10-2025

ssk.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
WEB COPY

1.The District Collector
Salem District, Salem

2.The Assistant Collector
District Rural Development Agency,
Salem

3.The Tahsildar
Thalaivasal Taluk, Salem District

4.The Block Development Officer
Thalaivasal Panchayat Union,
Thalaivasal Post, Salem District



WEB COPY



V.LAKSHMINARAYANAN J.

ssk.

WP No. 6901 of 2025

09-10-2025