



W.P.No. 9704 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No. 9704 of 2021 and
W.M.P. Nos10294 of 2021 and 27519 of 2023

P. Ramachandran

... Petitioner

vs

1. The District Collector,
Coimbatore, Coimbatore District.
2. The Revenue Divisional Officer,
Coimbatore, Coimbatore District.
3. The Tahsildar,
Kinathukadavu Taluk,
Coimbatore, Coimbatore District.
4. The Director
Director of Town and Country Planning,
CMDA Building, Koyambedu,
Chennai 600 092.
5. The Deputy Director
Director of Town and Country Planning,
Corporation Shopping Complex,
First Floor, Raju Naidu Street,
Sivananda Colony,
Coimbatore 641 012.
6. S. Saravana Kumar



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7. M/s. Supreme Garden,
Represented by its Proprietor Senthil Kumar
Door No. 28-1/14 Kumara Gounder Street,
Othaikkalmandapam,
Coimbatore 641 032.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other order, direction or writ in the nature of writ of mandamus directing the respondents 1 to 3 to effect sub-division and enter in the revenue records the 30 feet common pathway situated at S. No.148/1, Othaikkal mandapam village, Kinathukadavu Taluk, Coimbatore District, running north south to reach the common pathway running east to west in S.No.148/2, Othaikkal mandapam village, Kinathukadavu Taluk, Coimbatore District, to reach the main road on the western side by considering petitioner's representation dated 16.03.2021.

For Petitioner	: Mr. R. Rajarajan
For R1 to R5	: Mr. M.R.Gokul Krishnan Additional Government Pleader
R6 & R7	: No appearance

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents 1 to 3 to effect sub division and enter in the revenue records the 30 feet common pathway situated at Survey No.148/1 at Othaikkalmandapam Village, Coimbatore District.



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2. Heard Mr. R. Rajarajan, learned counsel for the petitioner and Mr. M.R.Gokul Krishnan, learned Additional Government Pleader for the respondents 1 to 5.

3. The case of the petitioner is that he is the owner of the property measuring an extent of 0.57 acres comprised in S.F. No.148/1 and the said property was purchased with a right of 30 feet pathway which runs from S.F.No.148/1, east to west till S.F.No.148/2, in order to reach the main road. After the purchase of the property, the sixth respondent also purchased the adjacent property through a registered sale deed dated 23.12.2019. This property was in turn sold in favour of the seventh respondent through a registered sale deed dated 12.03.2020.

4. The grievance of the petitioner is that the sixth and seventh respondents started developing a layout and for that purpose, the 30 feet common pathway was also sought to be included and thereby depriving the petitioner of his right of pathway. Objecting the same, the petitioner gave a representation to the respondents 1 to 3 to effect a sub division and to mention in the revenue records regarding the availability of the 30 feet common pathway. Since the same was not considered, the present



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Writ Petition has been filed.

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5. On going through the records it is seen that the petitioner has filed a suit against the sixth and seventh respondents before the Munsif Court, Coimbatore. That apart, it is purely a private dispute between the petitioner and the respondents 6 and 7. If the petitioner has an exclusive right of pathway and the same is sought to be disturbed by the sixth and seventh respondents, the petitioner has to necessarily work out his remedy by claiming the right of easement before the Civil Court. There is no question of parallelly approaching the revenue authorities as well as the civil court to work out his remedy. Hence the petitioner can work out his remedy before the Civil Court and depending upon the result in the civil proceedings, can approach the revenue authorities.

6. This Writ Petition is disposed of with the above observations.

No costs. Consequently connected miscellaneous petitions are closed.

13.02.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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N. ANAND VENKATESH, J.

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