



L.P.A.No.44 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

L.P.A.No.44 of 2025

and

C.M.P.No.20897 of 2025

1.S.Kuppusamy
2.M.Muthupandi
3.Selvaraj

... Petitioners

Vs.

1.V.Raghuraman
Represented by Power Agent
A.Raja @ Rajaram

2.Savithiri
Inspector of Police,
Thalaivasal Police Station,
Salem District.

3.The Tahsildar,
Thalaivasal Taluk, Salem District.
*(suo motu impleaded as 2nd respondent
as per the order of this Court in Cont.P.No.756 of 2025
dated 28.03.2025)*

... Respondents



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Prayer : Letters Patent Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in Cont.P.No.756 of 2025, dated 24.04.2025.

For Petitioner : Mr.R.Suryanarayanan
For R1 : Mr.M.Guruprasad
For R2 : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem
For R3 : Mr.M.Murali
Government Advocate

J U D G M E N T

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

This Letters Patent Appeal has been filed challenging the order of the learned Single Judge of this Court made in Cont.P.No.756 of 2025, dated 24.04.2025.

2.Originally, the 1st respondent filed a writ petition in W.P.No.6167 of 2024 before this Court for police protection to fence his property situated in

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R.S.No.40/2, 40/3, 40/4 and 40/5 in Pattuthurai Village, Attur Taluk, Salem

WEB COURT

District. A learned Single Judge of this Court, by order dated 08.03.2024, disposed of the said writ petition with a direction to the respondent Police to conduct enquiry in accordance with the guidelines issued by the Hon'ble Supreme Court in *Lalitha Kumari v. Government of Uttar Pradesh* reported in **2013 (6) CTC 353**.

3. Thereafter, the 1st respondent/writ petitioner initiated contempt proceedings in Cont.P.No.756 of 2025 alleging willful disobedience of the orders of the Court in the writ petition. The appellants are not parties to the contempt proceedings. The learned Single Judge, by an order dated 24.04.2025, taking note of the fact that the property belonging to the writ petitioner can be accessed from the northern side only through the pathway that is available on the right side of the property belonging to the appellants in S.No.39/5 and also the fact that the pathway available on the right side of the property belonging to the appellants in S.No.39/5 is being used for movement of big vehicles, held as follows :



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“11.In view of the above, the respondents shall ensure that if others are having access to the pathway that is available on the right side of the property belonging to Kuppusamy in Survey No.39/5, the petitioner alone cannot be prevented. If that is prevented, it virtually amounts to depriving the petitioner the fruits of the decree that has become final. Hence, the respondents shall ensure that the petitioner is permitted to have access like others and if any law and order problem is created, action shall be initiated against the concerned person in accordance with law.”

4.Aggrieved by the above order, the appellants, who are third parties, have filed the present Letters Patent Appeal.

5.According to the appellants, they are the neighbouring land owners in S.No.39/5. According to them, the 1st respondent has no right to have access through the pathway available in the property owned by the appellants in S.No.39/5. In this regard, the appellants have already filed a suit in O.S.No.220 of 2022 on the file of the District Munsif Court, Attur, and the same is pending.



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WEB COPY 6.Heard the learned counsel on either side and perused the materials available on record.

7.As the appellants are not parties to the contempt proceedings, we are of the view that an appeal cannot be maintained before this Court, particularly when no positive direction has been passed as against the appellants. The entire order impugned also indicates that the parties are trying to establish their title over the property. According to the 1st respondent, their rights have already been crystallized in O.S.No.366 of 1997 on the file of the Sub-Judge, Attur, and delivery has also been effected through Court of Law. In such case, let the impugned order of the learned Single Judge, continue. Now, the appellants, who are third parties, are disputing the title and they have admittedly filed a suit in O.S.No.220 of 2022 before the Civil Court for declaration of title and mandatory injunction. In such view of the matter, let the rights be agitated in the pending suit before the Civil Court. We find that the third party appellants, at this stage, cannot assail the order of the learned Single Judge.



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WEB COPY 8. Accordingly, this Letter Patents Appeal is disposed of with a direction that the impugned order of the learned Single Judge shall continue. The learned District Munsif, Attur, is directed to dispose of the suit in O.S.No.220 of 2022 independently on its own merits, without being influenced by any of the observations made by this Court. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.K., J.) (M.J.R., J.)
28.10.2025

mkn

Internet : Yes

Index : Yes / No

Speaking Order / Nonspeaking order

Neutral Citation : Yes / No

To

1. The District Munsif,
Attur.

2. The Inspector of Police,
Thalaivasal Police Station,
Salem District.

3. The Tahsildar,

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Thalaivasal Taluk,
Salem District.

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4.The Public Prosecutor,
High Court, Madras.

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and
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