



W.P.Crl.No.204 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

CORAM:

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**W.P.Crl.No.204 of 2025**  
**and WPMP.Nos.97 & 98 of 2025**

Palanivel

... Petitioner

Versus

1. The Sub-Divisional Executive Magistrate  
cum Revenue Divisional Officer,  
Tiruchengode Division, Namakkal District.

2.The Tahsildar  
Tiruchengode Taluk, Namakkal District

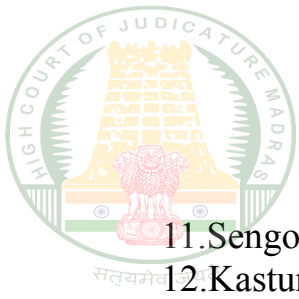
3. The Revenue Inspector  
Tiruchengode Taluk, Namakkal District

4.The Village Administrative Officer  
Molasi Village  
Tiruchengode Taluk, Namakkal District

5.The Sub Inspector of Police  
Molasi Police Station  
Molasi Village, Tiruchengode Taluk  
Namakkal District

6.Subramani  
7.E.Kulaithavel  
8.Palanivel  
9.Paramasivam  
10.R.Subramaniam

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11.Sengottaiyan

12.Kasturi

.. Respondents

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**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order in proceedings Na.Ka.2276/2024/C dated 22.03.2025 issued by the 1<sup>st</sup> respondent and quash the same.

For Petitioner : M/s.P.Neelavathi  
For Respondents : Mr.R.Vinothraja for R1 to R5  
Government Advocate (Crl.Side)  
Ms.R.Poornima for R6  
Mr.T.L.Thirumalaisamy for R7 to R12

### **ORDER**

Challenging the proceedings of the Revenue Divisional Officer in Na.Ka.2276/2024/c dated 22.03.2025 holding that the respondents are in possession and they are using the pathway.

2. Admittedly, the dispute is with regard to the usage of pathway in S.Nos.148/1A to 1F and S.Nos.148/2A to 2/2E. It is the contention of the petitioner herein that he is the absolute owner of the pathway, the pathway was purchased by the petitioner's father by virtue of sale deed dated 14.07.1997. Whereas, it is the contention of the private respondents that 6 co-pattadars and are using the pathway from time immemorial and the existence of the pathway and the easementary rights has already been

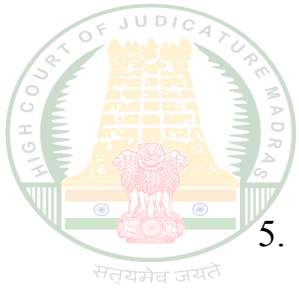


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reflected in the respective sale deeds. In this regard, they have already filed a suit in O.S.No.93 of 2024 on the file of the learned Principal District Munsif, Tiruchengode, pending the suit, the order came to be passed.

3. The learned counsel for the petitioner submitted that having failed before the Trial Court in getting an order of interim injunction, one of the private respondent herein has filed a complaint to the police which has been referred to the RDO, therefore, the impugned order came to be passed.

4 Be that as it may, the entire issue is with regard to the usage of pathway in between the S.Nos.148. Admittedly, the suit is already pending between the parties. If any application is filed for interim injunction, the same shall be decided by the Civil Court taking note of the various documents on its own merits. Therefore, once the matter is seized by the Trial Court in respect of the right of the parties, the revenue authorities particularly Revenue Divisional Officer cannot give a finding to the usage of lands as a Civil Court and such order is not proper and cannot be sustained in the eye of law. Hence, the order impugned stands set aside.



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5. Let the Civil Court immediately hear the parties and pass appropriate order(s) on merits and in accordance with law. However, till such time, the petitioner shall not prevent the private respondents from usage of pathway, if really, they are enjoying the pathway. It is made clear that the present injunction order remains force until the Civil Court disposes the application on its own merits and in accordance with law within a period of two months from the date of receipt of a copy of this Order.

6. Accordingly, this petition stands allowed. No costs. Consequently, connected miscellaneous petitions stand closed.

09.09.2025

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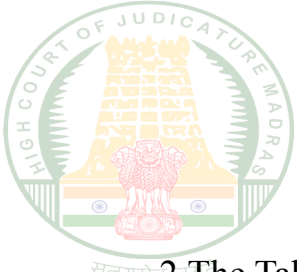
Index : Yes/No

Internet: Yes/No

To

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Molasi Village, Tiruchengode Taluk

Namakkal District

6. The Principal District Munsif

Tiruchengode

**N.SATHISH KUMAR, J.**

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