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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 25607 of 2025

S.R.Mahesh

Petitioner(s)

Vs

1. The District Collector
Office of the District Collector,
Fort Main Road, Salem-636 001.

2.The District Revenue Officer
Officer of the District Revenue Officer,
Periyakollappatty, Salem-636 007.

3.The Revenue Divisional Officer
Mettur, Near LIC Officer,
Salem-636 401.

4.The Deputy Superintendent of Police
Mettur, Salem.

5.M.A.Venkatesan

6.R.Saravanan

7.M.S.Balasubramaniam

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India for

issuance of a Writ of Mandamus, directing the 3rd respondent to remove the illegally formed gates and fencing in the common pathway in S.No.18/6A and 18/2 in Navapatti Village, Mettur Taluk, Salem District by considering the petitioner's representation dated 29.04.2025

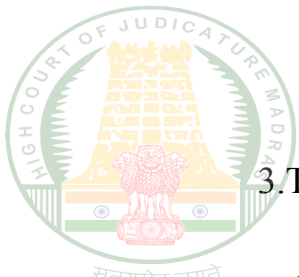
For Petitioner(s): M.Guruprasad

For Respondent(s): Mr.R.Murthi
Government Advocate
R1 to R4

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 3rd respondent to deal with the representation made by the petitioner on 29.04.2025, wherein, the petitioner is seeking for the removal of the illegally formed gate and fencing in the common pathway in S.No.18/6A and 18/2 in Navapatti Village, Mettur Taluk, Salem District.

2.Heard Mr.M.Guruprasad, learned counsel appearing on behalf of the petitioner and Mr.R.Murthi, learned Government Advocate appearing on behalf of the respondents 1 to 4.



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3.The grievance of the petitioner is that the petitioner is the absolute owner of the property in S.Nos.18/6C and 18/3B measuring an extent of 30 cents. There is also an ancestral house which was put up in the said property and the petitioner is entitled to use the common pathway in S.No.18/6A and 18/2 to reach the property. There arose a dispute with the tenant who was in occupation of the property and ultimately, the Civil Court Decree came in favour of the petitioner. Ultimately, the Civil Court Decree was put to execution in E.P.No.84 of 2019. After a long struggle, the possession was taken over and the delivery was effected and the 6th respondent delivered possession of the property and the same was recorded by the Sub Judge, Mettur in E.P.No.84 of 2019 and the Execution Proceedings was closed on 08.04.2025.

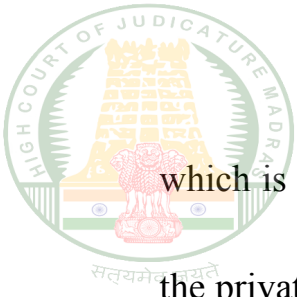
4.The grievance of the petitioner is that in spite of the above development, the 5th respondent threatened the petitioner of dire consequences and was preventing the petitioner from using the pathway. He proceeded to erect a gate and fencing to block both the front entrance of the northern gate and also the rear side compound gate. A representation was made by the petitioner



in this regard to the 3rd respondent. An enquiry was also conducted by the 4th respondent. There after, no action was taken by the 3rd respondent. It is under these circumstances, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the petitioner after a long struggle has managed to take possession of the property and now the petitioner is prevented from accessing his property by blocking the common pathway. Unfortunately, the Revenue Divisional Officer has given written instructions stating that the petitioner has to workout his remedy before the Civil Court. The battle before the Civil Court is over and in spite of the same, an attempt is being made by the private respondents to defeat the fruits of the Decree and prevent the petitioner from enjoying the property. Therefore, there is no need for the petitioner to once again go before the Civil Court and agitate. If it is a common path way, no one has a right to prevent the petitioner to use the same.

6. In the light of the above discussion, there shall be a direction to the 3rd respondent to call the parties for an enquiry and to ensure that the pathway



which is used by the petitioner as an access to his property is not prevented by the private respondents and if required, necessary police protection shall also be given.

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7.This writ petition is disposed of with the above directions. No Costs.

15-07-2025

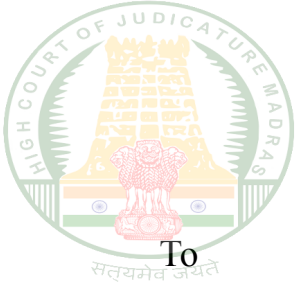
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To

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N.ANAND VENKATESH J.

SSR

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