



W.P.(MD) No.5636 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.5636 of 2025

Seenivasan

... Petitioner

-Vs-

- 1.The District Collector,
Ramanathapuram District.
- 2.The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram District.
- 4.The Tahsildar (Monitoring Committee),
Keezhakkarai Taluk,
Ramanathapuram District.
- 5.The Village Administrative Officer,
Periyapattanam, Ramanathapuram District.
- 6.Karthikai Selvan @ Karthikeyan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment of

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common pathway made by the 6th respondent within stipulated time frame fixed by this Court based on the petitioner's representation dated 12.02.2025.

For Petitioner : Mr.V.S.Ariharasudhan
For R1 to R5 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioner that his father's elder brothers, namely, Jeevanantham and Seeniyappa were in possession and enjoyment of the land in Natham Survey No.83/13, situated at Keezhakkarai Taluk, Thiruppullani Firka, Periyapattanam Village. While being so, the 6th respondent purchased the land to an extent of 2.35 cents in Survey No.83/13 from the said Jeevanantham through a registered sale deed dated 13.07.2001, where he constructed a house. Whereas, the petitioner purchased the land to an extent of 3.5 cents in the said survey number from his paternal uncle, namely, Seeniyappa through a registered sale deed dated 04.09.2023, which is located in the north side of the land owned by the



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6th respondent. Adjacent to the land belongs to the 6th respondent, there is a common pathway to reach the petitioner's land, which is also mentioned in both the sale deeds of the petitioner and the 6th respondent. The said common pathway was encroached by the 6th respondent by constructing a compound wall with iron gate. Therefore, the petitioner made several representations to the official respondents to remove the said encroachment. However, his attempt went in vain. Therefore, he has filed this Writ Petition, seeking for a direction to the respondents to remove the encroachment made by the 6th respondent.

3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice on behalf of the respondents 1 to 5, submits that the 6th respondent has already filed a civil Suit in O.S.No.3 of 2025 on the file of the District Munsif Court, Ramanathapuram, which is pending.

4.Considering the submissions made on either side, this Court is of the view that the dispute involved in this petition is civil in nature and therefore, the petitioner can seek his remedy only before the civil forum. Further, the 6th respondent has already filed a Suit in O.S.No.3 of 2025 before the District Munsif Court, Ramanathapuram. Therefore, the parties shall agitate their claim in the pending civil Suit.



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5. With the above observation, this Writ Petition is dismissed. No costs.

[J.N.B., J.] & [S.S.Y., J.]
03.03.2025

NCC : Yes / No
Index : Yes / No

Yuva

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