



W.P(MD)No.14507 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.14507 of 2025

and

W.M.P(MD)No.10717 of 2025

1. G.Natarajan
2. G.Rangaraj
3. G.Balakrishnan
4. R.Kamaraj
5. S.Karthikayen

... Petitioners

Vs.

1. The District Collector,
Collectorate, Dindigul,
Dindigul
District 624 004.
2. The District Revenue Officer,
O/o. the District Revenue Officer
Collectorate, Dindigul,
Dindigul District. 624 004.
3. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Palani, Dindigul District.
4. The Tahsildar,
Gujiliamparai Taluk,
Gujiliamparai,
Dindigul District. - 624 703.



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5. The Taluk Serveyar,
Gujiliamparai Taluk,
Gujiliamparai,
Dindigul District. - 624 703.

6. P.Thiruvankadam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents to restore the pathway in the land in Survey No.213/3B1, 3B2 in Landakottai Village, Gujiliamparai Taluk, in Dindigul District, by considering the petitioner's representation dated.07.05.2025 within the time stipulated by this Court.

For Petitioner	: Mr. S.Louis
For R1 to R5	: Mr.S.Shanmugavel Additional Government Pleader
For R6	: M/s.Mamtha for Ajmal Associates

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to restore the pathway in the land in Survey No.213/3B1, 3B2 in Landakottai Village, Gujiliamparai Taluk, in Dindigul District, by considering the petitioner's representation dated.07.05.2025.

2. According to the petitioner, the sixth respondent is the original owner of



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the land and now owned by the petitioners. Subsequently, a portion of the land was sold to the petitioners by the sixth respondent. However, the sixth respondent is now restraining the petitioners from using the pathway.

3. According to the sixth respondent, there is no pathway at all. The petitioners are allegedly using the sixth respondent's land as a pathway. The claim of the sixth respondent is also supported by the Tahsildar's report, where it has been stated that there is no pathway in the said survey numbers.

4. But it is seen that the sixth respondent has filed a writ petition in W.P. (MD)No.6939 of 2025 in order to survey the sixth respondent's land. This Court has granted permission to survey the land. However, the sixth respondent has used the said order and dispossess the petitioners' right to use the pathway which is illegal. Wherever the survey is sought, boundary can be fixed with the survey boundary stone alone. Any body is in possession or using the said portion of the land, they cannot dispossess from the said usage of the possession of the land. It is a settled proposition. Therefore, armed with an order of this Court, the excessive act of the sixth respondent is illegal.

5. Therefore, this Court is directing the fourth respondent to remove fence blocking that portion of the pathway only. It is made clear that the entire fencing



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need not be removed, only the part hindering the petitioners to use the same pathway has to be removed. However, in the above said order, it is not curtailing the rights of the petitioners as well as the sixth respondent to approach the appropriate Civil Court. Any observation made herein is solely for the purpose of deciding the issue raised before this Court. If any suit is filed before the Civil Court, the Court shall independently consider and decide the matter without being influenced by this order.

6. With the above said direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

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S.SRIMATHY, J.

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ORDER MADE IN
W.P(MD)No.14507 of 2025

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