



W.P.No.42810 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42810 of 2025

And

W.M.P.No.10844 of 2026

K.Murugesan

... Petitioner

Vs.

1.The District Collector,
Salem District.

2.The Revenue Divisional Officer,
Salem.

3.P.Soundaram

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to take necessary legal action and as per proceedings of the respondent District Collector in his proceedings Na.Ka.3230974/2025/K4 dated 23.04.2025 issued on the petitioner petition dated 10.02.2025 to safeguard the Easement Right of the public to use pathway passing through S.Nos.88/1 and 88/2 and thereby villagers enable to continue the construction of the A/M.Muthallamman Mariamman Temple in S.No.89/6 of the Kullapanaikkanur Village, Thippampatti Post, Salem District.



W.P.No.42810 of 2025

For Petitioner : Mr.Elephant G.Rajendran

For Respondents : Mr.R.Murthi for R1, R2
Government Advocate
Mr.S.Senthil for R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to take necessary legal action and as per proceedings of the District Collector dated 23.04.2025 issued on the petitioner's petition dated 10.02.2025 to safe-guard the Easement Right of the public to use pathway passing through S.Nos.88/1 and 88/2 and thereby villagers enable to continue the construction of the A/M.Muthallamman Mariamman Temple in S.No.89/6 of the Kullapanaikkanur Village, Thippampatti Post, Salem District.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the devotee of Arulmigu Muthallamman Mariamman Temple in S.No.89/6 of the Kullapanaikkanur Village, Thippampatti Post, Salem District. There is a 15 feet width pathway leading to the said Temple and the same was used by the villagers for more than 200 years, however, the third respondent is preventing the



W.P.No.42810 of 2025

WEB COPY

petitioner and the villagers from using the said pathway. In this regard, the petitioner made representation dated 10.02.2025 to the District Collector/ first respondent and the first respondent issued direction to the second respondent to take action as per the Rules, however, there is no response from the second respondent.

3.The learned counsel appearing for the petitioner further submitted that, this Court may, without going into the merits of the case, issue direction to the second respondent to conduct enquiry between the petitioner and the third respondent and with the other villagers and to pass appropriate orders within a reasonable time frame.

4.The learned counsel appearing for the third respondent submitted that already the third respondent filed O.S.No.694 of 2013 on the file of the II Additional District Munsif Court, Salem, for injunction and the said suit was decreed in favour of the third respondent on 04.04.2019.

5.Considering the limited relief now sought for by the learned



W.P.No.42810 of 2025

counsel appearing for the petitioner and the submissions made by the learned counsel appearing for the third respondent, this Court without expressing any opinion on the merits of the case, directs the second respondent to conduct enquiry between the petitioner and the third respondent, peruse the judgment and decree in O.S.No.694 of 2013 dated 04.04.2019 and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

08.04.2026

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The District Collector,
Salem District.
- 2.The Revenue Divisional Officer,
Salem.

4/5



WEB COPY



W.P.No.42810 of 2025

M.DHANDAPANI,J.
pri

W.P.No.42810 of 2025
And
W.M.P.No.10844 of 2026

08.04.2026