



W.P.(MD)No.8617 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.03.2026

CORAM

THE HON'BLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.(MD)No.8617 of 2026

N.Karungan

... Petitioner

vs.

1.The District Revenue Officer,
Master Plan Complex,
Sivagangai District.

2.The Tahsildar,
Kalaiyarkoil, Sivagangai District.

3.The Executive Officer,
Kalaiyarkoil Town Panchayat,
Kalaiyarkoil, Sivagangai District.

4.PR.Kalimuthan

5.K.Raja

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 1st respondent dated 22.12.2025 in Na.Ka.B4/14263/2025, quash the same and direct the 1st respondent to fix the property in Survey No. 311/5B of Gowripatti village, Nattarasankottai Post, Kalaiyarkoil Taluk, Sivagangai District in FMB as public pathway.



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For Petitioner :Mr.N.Tamilmani
For R1 to R3 :Mr.M.Lingadurai
Special Government Pleader

ORDER

The Writ Petition is file for issuance of a Certiorarified Mandamus challenging the impugned order passed by the first respondent, dated 22.12.2025 and to quash the same and consequently, to direct the first respondent to fix the property in Survey No.311/5B of Gowripatti Village, Nattarasankottai Post, Kalaiyarkoil Taluk, Sivagangai District in FMB as public pathway.

2.The case of the petitioner is that the petitioner is residing in his property in S.Nos.311/6A and 6B. While so, the private respondents in the Writ Petition, who are the adjacent owners of the property, are interfering with the rights of the petitioner in using the property in S.No. 311/5B, as the common pathway to enter their house. When the private respondents prevented the petitioner by placing obstructions in the common pathway, an order of status quo was passed. Challenging the same, when the private respondents approached this Court in W.P.



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(MD)No.18189 of 2018, this Court directed the parties to approach the civil Court. Even thereafter, when the respondents 4 and 5 had approached the civil Court by way of a suit in O.S.No.47 of 2024 on the file of the District Munsif Court, Sivagangai, they have prayed for an injunction only with reference to S.No.311/5A. Under the said circumstances, the petitioner has made a representation to declare the S.No.311/5B as the common pathway in the FMB sketch and the other revenue records. The same is now dismissed on the ground that the petitioner should approach the civil Court and therefore, the petitioner is before this Court.

3.The learned Counsel for the petitioner would submit that no doubt, it is true that earlier, this Court directed the parties to approach the civil Court. It can be seen that the private respondents, when they filed the suit, restricted their claim only with reference to S.No.311/5A and when there is no impediment with reference to S.No.311/5B, the official respondents ought to have considered the request of the petitioner.



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4.In reply thereof, the learned Special Government Pleader taking notice on behalf of the respondents, by producing “A” register, would submit that it can be seen that even with reference to S.No.311/5B, the same is shown as private interest land and therefore, there is no question of the official respondents interfering with the issue.

5.I have considered the rival submissions on either side and the material records of the case.

6.So long as S.No.311/5B is shown as a private property, even if the petitioner contends that it is a common pathway used by the petitioner or the other villagers also, the remedy lies for the petitioner before the civil Court to claim any easementry right and it is not for the official respondents to declare it as a road or a pathway and therefore, by the impugned order, the petitioner has been relegated to the civil Court.

7.Merely because, in the earlier civil suit filed by the private respondents, they have not included the present S.No.311/5B, the same does not entitle the petitioner to compel the respondents 1 to 3 to include



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S.No.311/5B as a common pathway. The official respondents have no jurisdiction with reference to the same. The petitioner has only to approach the appropriate civil Court even with reference to the survey number. Therefore, either by way of a counter claim in the same civil suit or by a separate suit, it is for the petitioner to approach the civil Court, as the interference is made by the private parties in a private land.

8. Therefore, keeping that liberty open to the petitioner, this Writ Petition is disposed of. No costs.

NCC :Yes / No

30.03.2026

cmr

To

1. The District Revenue Officer,
Master Plan Complex,
Sivagangai District.

2. The Tahsildar,
Kalaiyarkoil, Sivagangai District.

3. The Executive Officer,
Kalaiyarkoil Town Panchayat,
Kalaiyarkoil, Sivagangai District.

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D.BHARATHA CHAKRAVARTHY, J.

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