

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. NO.7223 of 2015
and M.P.Nos.1 and 2 of 2015

Arulmani

.. Petitioner

Versus

1.The Additional Chief Secretary cum
Commissioner of Land Administration
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Perambalur District,
Perambalur.

3.The Revenue Divisional Officer,
Udayarpalayam,
Perambalur District.

4.Dhanapal
5.Selvaraj
6.Smt.Rajam
7.Ramalingam
8.Murugesan
9.Periyasamy
10.Rathinam

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 1st respondent in her proceedings in D.Dis.No.K4/R.P.31/2005 dated 14.01.2015, quash the same.

For Petitioner : Mr.R.Asokan

For Respondents: Mr.A.Kumar for R1 to R3.

Mr.C.Rajakumar for R4 to R9

No Appearance for R10

O R D E R

This case involves a dispute with regard to the existence of the pathway and usage thereof. While the Revenue Divisional Officer has held in favour of the petitioner, the said decision was reversed by the District Revenue Officer as well as the Additional Chief Secretary cum Commissioner of Land Administration.

2. A perusal of the orders would show that it involves adjudication of facts. Though the learned counsel appearing for the petitioner seeks to draw the attention of this Court to the sketch available in the typed set of papers, the statement made and the topography, this Court is not willing to go into the same, since it is primarily the job of the civil Court to do so. There is an advantage in approaching the civil Court as the parties can examine the witnesses, apart from calling for the records. A spot inspection has also been made by the Commissioner as done by the Tahsildar in this proceedings. It is also to be seen that both the petitioner and the private respondents were granted patta under the Natham Settlement Scheme based upon their enjoyment and not by the documents and therefore, it is all the more necessary to understand the factual position of the area.

3. Considering the same, this Court is inclined to dispose of the writ petition by giving liberty to the petitioner to file a comprehensive suit before the jurisdictional Court, if so advised. As the petitioner has been enjoying the interim order, the said order would continue for a further period of four weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm

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To

1.The Additional Chief Secretary cum
Commissioner of Land Administration
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Perambalur District,
Perambalur.

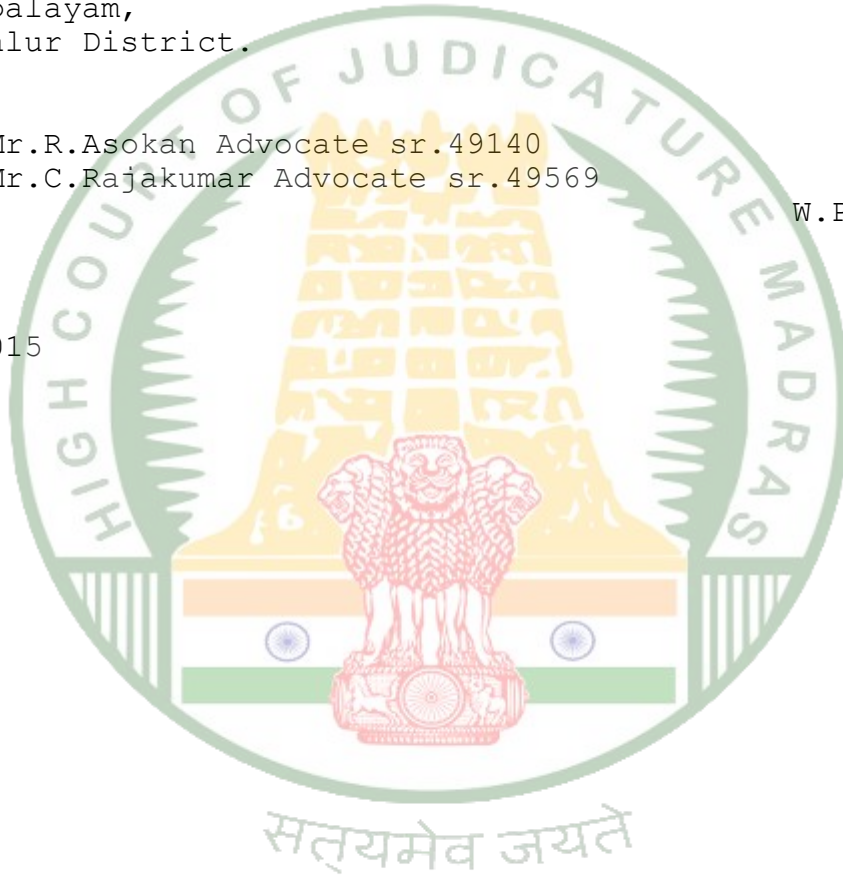
3.The Revenue Divisional Officer,
Udayarpalayam,
Perambalur District.

+1 cc to Mr.R.Asokan Advocate sr.49140

+1 cc to Mr.C.Rajakumar Advocate sr.49569

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