



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 03.01.2018

CORAM
THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**
W.P.(MD)No.8762 of 2014
and
M.P.(MD)No.1 of 2014

S.K.K.Sathiyavan

. . .Petitioner

-Vs-

1. The District Collector,
Madurai District,
Madurai.

2. The District Revenue Officer,
Madurai District, Madurai.

3. The Revenue Divisional Officer,
Madurai District, Madurai.

4. The Tahsildar,
Madurai District.

. . .Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for records relating to the impugned order dated 09.05.2014 in reference number in Na.Ka.No.3962 / 2013 / B3 passed by the fourth respondent and quashing the same and consequentially forbearing the respondents from converting the classification of the pathway in survey number 306, Kidaripatti Village, Melur Taluk, Madurai District in the revenue records and assigning the same to anybody.

For petitioner : Mr.J.Barathan

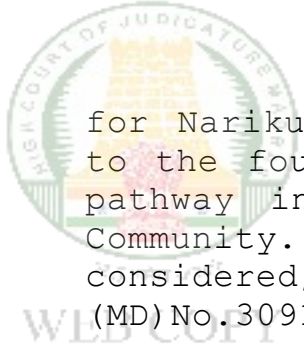
For respondents : Mr.K.Guru

Additional Government Pleader

ORDER

The Writ Petition has been filed challenging the order dated 09.05.2014 passed by the fourth respondent.

2.The case of the petitioner is that, the petitioner is the owner of the property in Survey No.305, Kidaripatti Village, Melur Taluk, Madurai District. Adjacent land in Survey No.306, is classified as pathway in revenue records and the petitioner is using the same as pathway to reach his land, now the respondents are taking steps to assign the above said pathway as house site



for Narikuravas community. The petitioner sent a representation to the fourth respondent/Tahsildar not to convert the above said pathway into house site and not to give patta to Narikuravas Community. Since the above representation has not been considered, the petitioner had filed a Writ Petition bearing W.P. (MD) No.3091 of 2014 before this Court.

3.This Court, by an order dated 24.02.2014 in W.P.(MD) No.3091 of 2014 directed the Tashildar to conduct an enquiry and pass orders. Pursuant to the order dated 24.02.2014 passed by this Court, the fourth respondent / Tashildar has passed an order allotting 38 feet as pathway in Survey No.306 to the petitioner and he has sent a proposal to the District Collector, Madurai District to give house site patta to the Narikuravas Community for the remaining area. Challenging the same, the petitioner has filed the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5.The only grievance of the petitioner is that Survey No.306 has been classified as pathway and the respondent cannot alter the land and assign the same to the third parties, and the petitioner is using Survey No.306 as his pathway to reach his land, by granting of patta to the Narikuravas community, the petitioner would lose his right to use his pathway. From the perusal of the impugned order, it is also clear that the fourth respondent/Tahsildar has allotted a pathway to the extent of 38 feet to the petitioner, which is suffice to meet his requirement beyond that the petitioner has no rights to prevent the respondents from granting patta to poor Narikuravas.

6.In view of the above circumstances, the Writ Petition is devoid of any merit and liable to be dismissed, accordingly, this writ petition is dismissed. There shall be no order as to costs. Consequently, M.P. (MD) No.1 of 2014 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The District Revenue Officer,
Madurai District, Madurai.



3. The Revenue Divisional Officer,
Madurai District, Madurai.

4. The Tahsildar,
Madurai District.

+1cc to Mr.T.R.Jeyapalam, Advocate Sr.No.40161
+1cc to The Spl.Government Pleader Sr.No.40259

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VB/KK/SAR2/22/01/2018/3P/7C

W.P. (MD) .No.8762 of 2014
03.01.2018