



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08-10-2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.33978 of 2013

Kuppusamy

.. Petitioner

vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Cheyyur Taluk,
Kancheepuram Taluk.

3.Mr.K.Srinivasan

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to dispose of the petitioner's representation dated 26.08.2013.

For Petitioner : Mr.R.Ramesh

For Respondents-1 and 2 : Mr.C.Kathiravan,
Government Advocate.

For Respondent-3 : Mr.K.Govi Ganesan

O R D E R

The relief sought for in the present writ petition is to direct the respondents to dispose of the representation submitted by the petitioner on 26.08.2013.

2. The abovesaid representation, which is enclosed in page No.4 of the typed set of papers filed along with the present writ petition reveals that the third respondent is preventing the petitioner from using the pathway for the purpose of irrigation of the land belongs to the petitioner.



3. The petitioner states that the property belongs to his forefathers. Thus, it is contended that the Land Acquisition Officer should initiate appropriate actions.

4. This Court is of the considered opinion that in respect of property rights, no writ can be entertained under Article 226 of the Constitution of India. The right of pathway in a private property, cannot be adjudicated. However, if the right of pathway is claimed through public road, that alone is to be looked into by the Authorities concerned.

5. The way in which the representation submitted by the petitioner raises a doubt in the mind of the Court that whether the land belongs to the Government or to the Private Parties. In the event of the fact that the disputed land is a Private Land, then the parties are bound to approach the Competent Civil Court of Law for adjudication. If it is found that the subject property belongs to Government, Government Poramboke or otherwise, respondents 1 and 2 has to verify the revenue records and initiate all appropriate actions in respect of encroachments made in the Government lands. Thus, the respondents 1 and 2 are directed to verify the revenue records in respect of the disputed lands and initiate all appropriate actions, if necessary.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The District Collector,
Kancheepuram District,Kancheepuram.

2.The Tahsildar,
Cheyyur Taluk,Kancheepuram Taluk.

+1 cc to Mr.K.Ramesh, Advocate Sr.NO.53300

+1 cc to Mr.K.Govi Ganesan, Advocate Sr.NO.53442

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gsm(CO)

A.SK(26.10.2021)