



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD) No.5726 of 2021

WEB COPY

K.Sankarasuppurayalu

.. Petitioner

Vs

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub Registrar,
Sethur Sub Registrar Office,
Virudhunagar District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to register the pathway settlement deed executed by the petitioner in the part of the Survey No.299 to the extent of 206 + 10 feet east to west, 201+12 feet east to west and 169+12 south to north of Chettiyarpatti Village, Rajapalayam Taluk, Virudhunagar District.

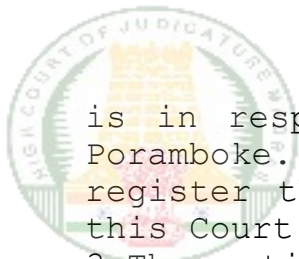
For Petitioner : Mr.J.Balameenakshi
For Respondents : Mr.V.Anand
Government Advocate

ORDER

According to the petitioner, he is the President of Mugavur Shathriya Commavar Sangam, Chettiyarpatti Revenue Village, Rajapalayam Taluk, Virudhunagar District. The petitioner Sangam is in possession and enjoyment of the property bearing S.No.299 situated at Chettiyarpatti Revenue Village in Rajapalayam Taluk, measuring about 0.41.5 hectares for more than 100 years. The said property is a Nanthavanam and it is also borne out by revenue records and a Natham Patta was also issued by the Tahsildar concerned in respect of the property in question.

2.The petitioner Sangam was willing to give a part of the property in S.No.299 to the extent of 206+10 feet east to west, 201+12 feet east to west and 169+12 south to north of Chettiyarpatti Revenue Village in Rajapalayam Taluk for the purpose of public pathway. In that regard, the petitioner Sangam appears to have approached the 2nd respondent to issue the settlement deed to the Government on 26.02.2021. However, the 2nd respondent refused to register the document

on the ground that the settlement, which is sought to be effected,
<https://hcservices.ecourts.gov.in/hcservices/>



is in respect of the property, which is classified as Government Poramboke. The petitioner Sangam, being aggrieved by the refusal to register the property for the purpose of public pathway, is before this Court.

3.The petitioner Sangam has narrated the series of facts stating that they have been owning the property for more than 100 years and the particular survey number of the property is called as Nanthavanam property. However, in support of the claim, no worthwhile document has been produced for consideration. In a dispute like this, the proper course open to the petitioner is to approach the civil Court and establish their claim and right over the property. It is certainly not open to the petitioner to get a relief from the Writ Court in a matter like this.

4.More over, under the pretext of obtaining a seemingly innocuous direction, the petitioner Sangam cannot confer upon itself the title or stake any claim over the property. The classification of the property by the Government, particularly, Poramboke in this case, is to be challenged before the appropriate forum and not before this Court.

5.For the above said reasons, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CO)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The District Registrar,
Virudhunagar District,
Virudhunagar.
- 2.The Sub Registrar,
Sethur Sub Registrar Office,
Virudhunagar District.

+1 CC to M/s.J.BALAMEENAKSHI, Advocate (SR-11417[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-12009[F] dated 17/03/2021)

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