



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.28006 of 2015

and

M.P.No.1 of 2015

S.V.Chitrarasu

...Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. Sub-Divisional Administrative Magistrate cum
Revenue Divisional Officer,
Harur,
Dharmapuri District.

3. Tahsildar,
Harur Taluk,
Dharmapuri District.

4. Inspector of Police,
Morappur,
Dharmapuri District.

5. S.P.Raman

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in Na.ka.No.257/2015/A3 Dated 04.07.2015 on the file of the 2nd Respondent and quash the same.

For Petitioner : Ms.P.K.Kasthuri
for Ms.N.Shanthi

For Respondents : Mr.M.Rajendiran
1 to 4 Additional Government Pleader

For Respondent 5 : No Appearance



O R D E R

The order dated 04.07.2015 passed by the 2nd respondent is under challenge in the present Writ Petition.

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2. The petitioner states that the land measuring an extent of 0.19.0 Agricultural Land comprised in Survey No.32/8, in Setrapatti Village, Harur Taluk, Dharmapuri District, belongs to the petitioner's mother, Mrs.Indirani. The petitioner's mother being the absolute title holder was in possession and enjoyment of the said property. The petitioner's mother purchased the above said property vide sale deed dated 18.08.1975, from one Chinnammal.

3. The petitioner further states that he was cultivating the said land and in occupation of the same. Whiles, the 2nd respondent passed the impugned order on instance of the 5th respondent stating that the portion of the land is Pathai (Street). Therefore, three feet pathway has to be kept open for public usage as common path.

4. The learned counsel for the petitioner made a submission that the 2nd respondent has no authority to decide the title or ownership in respect of the land. The mother of the petitioner has filed a civil suit in O.S.No.127 of 2015 and got an order of injunction. However, the official respondents were not party to the said Civil Suit.

5. This Court is of the considered opinion that the revenue authorities are incompetent to decide the title or ownership of the immovable property as rightly pointed out by the petitioner's counsel. However, as per revenue records if the portion of the land is classified as pathai (street), then it is the duty of the authorities to ensure that the said land is kept open for the public usage and it cannot be claimed by any individual person.

6. Even in respect of the patta land if there is a classification as vandi pathai or otherwise, the said land has to be utilised for the public purpose. In other words, once particular portion of the land is classified as pathway as per revenue records, such land must be made available to all and no individual can claim title or ownership to the said land. This being the factum followed, this Court do not find any infirmity or perversity in the impugned order dated 04.07.2015.

7. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar



Kan
To

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. Sub-Divisional Administrative Magistrate cum
Revenue Divisional Officer,
Harur,
Dharmapuri District.

3. Tahsildar,
Harur Taluk,
Dharmapuri District.

4. Inspector of Police,
Morappur,
Dharmapuri District.

+1 cc to M/s.N.Shanthi, Advocate Sr.NO. 2377
+1 cc to Government Pleader Sr.NO. 2777

W.P.No.28006 of 2015

PMK (CO)
A.SK (03.02.2022)