



WEB COPY

W.P(MD)No.10824 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.10824 of 2011

andWMP (MD) No.4417 of 2021

M.R.Chokalingam

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
Collector Office Building,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Collector Office Building,
Tirunelveli.
- 4.The Inspector of Police,
Thatchacallur Police Station,
Tirunelveli.

5.A.Sundarrajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 08.06.2010, vide proceedings Na.Ka.A3/1673/2010, issued by the third respondent and the consequential Na.Ka.No.KA2 - 48788/2010, dated 12.09.2011, issued by the second respondent herein and quash the same and consequently direct the second respondent to classify the land as Ryotwari patta land of the land situated in Town Survey No.174 G Block 12, New Survey No.363/2 Old Survey No.127/1 which extends about 5 cents 80 sq.feets Thatchanallur Village, Tirunelveli District.



For Petitioner: Mr.D.Saravanan
For R1 to R4 : Mr.S.P.Karthick
For R5 : Mr.R.Venkatesan

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ORDER

This writ petition is filed as against the orders of the respondent 3 & 2, in Na.Ka.A3/1673/2010 and Na.Ka.No.K2-48788/2010, dated 12.09.2011, rejecting the application filed by this petitioner seeking grant of Ryotwari patta.

2.The petitioner has applied for Ryotwari Patta for the land in Town Survey No.174 G Block 12, New Survey No.363/2 Old Survey No.127/1, to an extent of 5 cents 80 sq.feet Thatchanallur Village, Tirunelveli District and the respondents have rejected the application of the petitioner stating that the subject land, for which, Ryotwari patta sought for by the petitioner is a common pathway. As against that order, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submits that the aforementioned land is personal common pathway and has been enjoying by the petitioner for several years. Now, the fifth respondent has put up building in that land.

4.The learned counsel appearing for the respondents submits that on field inspection conducted on 24.02.2010, the land in dispute has been registered as ''common pathway'' and Government Poramboke'' and the public is utilising the same for the past 40 years. Hence, the orders of the respondents, rejecting the application of the petitioner need no interference.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner's request for grant of Ryotwari patta for the land in dispute has been rejected by the respondents on the ground the land was classified as ''common pathway'' and Government Poramboke'' and it has been used by the public for the past 40 years. The petitioner has also raised another ground that the fifth respondent has put up building in the said land. Since the issue involved in this writ petition is purely civil in nature, it is always open to the petitioner to approach the concerned civil Forum for appropriate relief.



7. Accordingly, this writ petition is disposed of with a liberty to the petitioner to approach the competent civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
Collector Office Building,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Collector Office Building,
Tirunelveli.
- 4.The Inspector of Police,
Thatchacallur Police Station,
Tirunelveli.

+1 CC to M/s.R. VENKATESAN, Advocate (SR-21374[F] dated 26/04/2022)

+1 CC to M/s.D. SARAVANAN, Advocate (SR-20636[F] dated 22/04/2022)

+1 CC to M/s.SPL.GP. (SR-21166[F] dated 26/04/2022)

Order made in
W.P(MD)No.10824 of 2011
and
WMP(MD) No.4417 of 2021
22.04.2022

nsn(CO)

TR(28.05.2022) 3P 8C