



W.P.No.32231 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.32231 of 2014

and

M.P.No.1 & 2 of 2023

1. C.Subramani(Deceased)

2. S.Mohan

3. S.SIVAPRAKASAM

(P2 & P3 substituted as LR's of deceased sole petitioner vide
Order dated 11.03.2022 made in W.M.P.No.5243/2022
in W.P.No.32231 of 2014 by MGRJ)

... Petitioner

Vs.

1. The District Revenue Officer,
Tiruvallur District, Tiruvallur.

2. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

3. A.G.Selvamani,
The former District Revenue Officer,
Tiruvallur District, Tiruvallur.

4. Mrs.Seethalakshmi

5. Mrs.V.Santhanalakshmi

6. Mrs.Komala

...Respondents



W.P.No.32231 of 2014

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records on the file of the 1st respondent relating to the impugned order dated 25.07.2014 bearing Ref.No.Na.Ka.No.15131/2009/Aa3 and quash the same.

For Petitioner : M/s.S.Udaya Kumar

For Respondents :
(for R1 & R2) : Mr.D.Ravichander, Spl.G.P.
(for R4 to R6) : Mr.J.Ramakrishnan
(for R3) : Not ready in Notice

ORDER

The order impugned dated 25.07.2014, rejecting the claim of the writ petitioner is under challenge in the present writ petition.

2.The respondents 4 to 6 initially filed an application before the 2nd respondent to cancel the patta granted in favour of the family members of the writ petitioner. The Tahsildar, after conducting an enquiry, rejected the said application filed by the respondents 4 to 6. Challenging the said rejection order, the respondents 4 to 6 preferred an appeal before the District Revenue Officer, Tiruvallur, who in turn passed the impugned



W.P.No.32231 of 2014

order stating that the Town Survey No.146, which is the subject property, is classified as pathway and the people residing in that locality including the school children and persons going to temple are using the pathway to reach Villivakkam road. When the students and other people are using that pathway to reach Villivakkam road, the District Revenue Officer directed the authorities to remove the barricades constructed by the parties and allow the people to use the pathway.

3.The said order has been challenged by the writ petitioner on the ground that the petitioner is the absolute owner of the property. There is a dispute existing between the family of the petitioner and the respondents 4 to 6. The Revenue authorities found that the particular property has been classified as pathway in the Revenue Records and people are using that pathway to reach Villivakkam road which would be easier for them. When the particular survey number is in the public usage and the Revenue authorities found that it is classified as pathway, the dispute between the petitioner and the respondents 4 to 6 cannot be resolved in a writ proceedings. If at all, there is a dispute between the petitioner and the 4th respondent in respect of the portion of the land other than the pathway, they have to approach the Civil Court to establish their title and ownership.



W.P.No.32231 of 2014

As far as Town Survey No.146 is concerned, it is classified as a pathway and is now under the usage of public at large and therefore, this Court is not inclined to interfere with the order passed by the District Revenue Officer which is impugned.

4. Accordingly, the writ petition stands **dismissed**. No costs.
Consequently, connected miscellaneous petitions are closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

06.06.2023

To

1. The District Revenue Officer,
Tiruvallur District, Tiruvallur.
2. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.
3. A.G.Selvamani,
The former District Revenue Officer,
Tiruvallur District, Tiruvallur.



WEB COPY



W.P.No.32231 of 2014

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.32231 of 2014

06.06.2023