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W.P.No.31697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.31697 of 2024

V.Bragadeesh

... Petitioner

Vs.

District Revenue Officer
District Collectors Office,
Chengalpattu

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records culminating in the impugned proceedings of the respondent in Na.Ka. No. 4237 / 2022 / A4 dated 28.02.2023 and to quash the same and to further direct the respondent to issue Patta exclusively to the petitioner for the land in Survey No. 1243/18, No. 45, Athur Madura Thimmavaram Village.

For Petitioner : M/s.V.Kuberan

For Respondents : M/s.A.Selvendran, Spl.GP
for sole respondent

ORDER



The Writ Petition is filed for the following reliefs:-

WEB COPY *"calling for the records culminating in the impugned proceedings of the respondent in Na.Ka. No. 4237 / 2022 / A4 dated 28.02.2023 and to quash the same and to further direct the respondent to issue Patta exclusively to the petitioner for the land in Survey No. 1243/18, No. 45, Athur Madura Thimmavaram Village."*

2. It is the contention of the petitioner that an extent of 19 cents of land comprised in S.No.1243/18, No.45, Athur Madura Thimmavaram Village is being used as an access/pathway exclusively by the petitioner to reach the larger extent of lands owned by him. The property in question is enclosed with a compound wall and a gate and it is this property that is the subject matter for issuance of patta. This property along with a larger extent originally belonged to one Chakrapani Iyengar who had purchased the same under the sale deed dated 17.07.1914. Thereafter, the property was partitioned by the said Chakrapani Iyengar and various portions were allotted to his family members, which was recorded in the Coor Chit deed. In the said Coor Chit it has been clearly mentioned that the respective parties, will be entitled to enjoy the allotted properties exclusively without any interference by the others.



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3. Thereafter, some of the properties including the subject property were sold by the legal heirs of Chakrapani Iyengar to one R.Pattammal, the grandmother of the petitioner under a registered sale deed dated 16.09.1985 and ever since the date of purchase she has been in exclusive possession and enjoyment of the same. On the death of the said Pattammal, the property devolved on the petitioner's mother who was his sole legal heir and after her lifetime the property devolved on the petitioner.

4. The petitioner's grandmother had not obtained a patta for the lands. Therefore, the petitioner's mother had applied for grant of patta and as per the directions of the District Collector, the Revenue Inspector and the VAO had conducted an enquiry and submitted their report recommending the grant of patta to the petitioner's mother for the extent of pathway measuring 13 feet in width and 481 feet long that is an extent of 6253 Sq.ft. In the said report it was also recorded that the subject land was being utilized by the petitioner's mother as an exclusive pathway for accessing the agricultural land.

5. Though the recommendation for grant of patta was confirmed by



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the Tahsildar, the RDO, in its order dated 27.12.2021, observed that the original owner had retained the rights over the property described in Schedule A of the Coor Chit and no arrangement had been made as to how it would devolve after his lifetime. The RDO further observed that the all the legal heirs of Chakrapani should use the pathway as a common pathway.

6. Aggrieved by the said order, the petitioner's mother had filed a revision before the respondent herein. However, the respondent had taken a completely divergent view and passed the impugned order dated 28.02.2023, rejecting the request for grant of patta on the ground that the subject land has been classified as Gali Nathan and no patta can be issued since no appeal was filed challenging the said classification within the stipulated time. Therefore, the petitioner is before this Court.

7. Heard the learned counsels on either side and perused the records.

8. A perusal of the Coor Chit which form the basis upon which the parties had enjoyed the property would indicate that schedule (H) referred to as a common pathway situate in S.No.1068. It was clearly stated that the



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pathway would be used exclusively Chakrapani and his legal heirs. All the schedules of the property which are the subject matter of the Coor Chit was conveyed to the petitioner's grandmother. Therefore, by reason of the purchase, she became entitled exclusively to the H schedule pathway. No other person has a claim over the same.

9. Further, the Revenue Inspector and the VAO, after conducting a detailed enquiry, had submitted their report recommending the grant of patta to the petitioner's mother. The said recommendation was also confirmed by the Tahsildar.

10. In the light of such an overwhelming report and the documents which clearly show that the pathway which was an exclusive pathway only for Chakrapani and his legal heirs has now been conveyed to the petitioner's family who are exclusively enjoying the same, the impugned order passed by the respondent cannot be sustained. That apart, the impugned order suffers from a total non-application of mind as the respondent has not given any reasons for overlooking the documents of title as well as the report of the Revenue Inspector and the VAO.

11. Therefore, the Writ Petition is allowed, the impugned order



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passed by the respondent dated 28.02.2023 is set aside and the respondent shall issue patta exclusively to the petitioner in respect of land comprised in S.No.1243/18, No.45, Athur Madura Thimmavaram Village within a period of 4 weeks from the date of receipt of a copy of this order. No costs.

19.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

The District Revenue Officer
District Collectors Office,
Chengalpattu

P.T. ASHA. J.,



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