



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33138 of 2018

and

W.M.P.No.38441 & 38447 of 2018

1.Dhanalakshmi

2.C.Ashokan

... Petitioners

Vs.

1.The District Collector,
Office of the District Collectorate,
Perambalur District.

2.The Executive Officer/Block Development Officer,
Veppanthattai Panchayat Union,
Veppanthathai Taluk,
Perambalur District.

3.A.Periyasamy
Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the entire records relating to the impugned order dated 02.11.2018 passed by the 1st respondent in Na.Ka.Aa1/10039/2018 and quash the same.



For Petitioners	: Mr.Manojkumar S.Vinith
For R1	: Mr.G.Ameedius Government Advocate
For R2	: Mr.B.Anand
For R3	: M.C.Govindan

ORDER

The writ on hand has been instituted challenging the order dated 02.11.2018 passed by the District Collector, Perambalur District relegating the petitioners to approach the Competent Civil Court of law, if they claim any property right in respect of the portion of the property which is being used as pathway by twelve families residing in that locality.

2. One Mr.A.Periyasamy S/o Athiyappa Gounder presented a petition on 14.05.2018 to the District Collector, Perambalur District that on the western side of Nerkunam-Noothappur, he is having a house as well as agricultural land. The said portion of the land has been used as pathway on the ground comprised in Survey No.187/1B and 187/3B for the past about 70 years as ingress and egress to the above land belongs to the petitioners.



WEB COPY

W.P.No.33138 of



3. The 3rd respondent in his complaint has stated that the writ petitioner Mr.C.Ashokan S/o Chinnasamy along with his two brother namely Mr.Arjunan and Mr.Ayyasamy had demolished the pathway thereby prevented access to the 3rd respondent to reach the agricultural land.

4. The 3rd respondent himself has stated in his compliant that a Civil suit in O.S.No.167 of 1999 has been instituted on the file of District Munsif Court, Perambalur and permanent mandatory injunction was granted by the Civil Court on 19.07.2002.

5. Meanwhile, a writ petition in W.P.No.17473 of 2018 was filed by the 3rd respondent and this Court directed the District Collector, Perambalur to conduct enquiry and pass orders. Pursuant to the direction issued by this Court, the District Collector conducted the enquiry by affording opportunity to the parties and found that the disputed portion of the land has been used as pathway by twelve



families to reach their agricultural lands. If at all, any civil dispute exist between the parties, they were granted liberty to approach the Civil Court of law.

6. The District Collector again adjudicated the civil rights between the parties. More so, a portion of the land has been utilised as pathway by some families to reach their lands for several years i.e., for the past about 70 years. A Civil suit has been filed and injunction was granted. Under these circumstances, the parties claiming any civil right in respect of the subject property, they will have to resolve the dispute through the Competent Civil Court of law. Therefore, the Revenue Authorities cannot adjudicate such issues of civil nature.

7. More so, the High Court in writ proceedings cannot decide the property right of the individuals and that being so, the legal position and findings of the District Collector relegating the parties to approach the Civil Court of law is not infirm and in consonance with the position of law.



WEB COPY

W.P.No.33138 of



8. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

18.01.2024

veda

Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

- 1.The District Collector,
Office of the District Collectorate,
Perambalur District.
- 2.The Executive Officer/Block Development Officer,
Veppanthattai Panchayat Union,
Veppanthathai Taluk,
Perambalur District.



WEB COPY

W.P.No.33138 of



S.M.SUBRAMANIAM, J.

veda

W.P.No.33138 of 2018



WEB COPY



W.P.No.33138 of

18.01.2024
(2/2)