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W.A. No.2996 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A. No.2996 of 2025
and
C.M.P. No.24154 of 2025

Karthalingam

... Appellant

Vs.

1.K.Palanisamy

2.The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.

3.The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order
dated 18.12.2024 made in W.P.No.29002 of 2024.

For Appellant	: Ms.G.Selvi George
For Respondents	: Mr.C.Munusamy for R1 Mr.Vadivelu Deenadayalan, Additional Government Pleader for R2 and R3



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JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

The writ order dated 18.12.2024 in W.P.No.29002 of 2024 is sought to be assailed in the present intra-court appeal instituted by the third respondent in the writ proceedings.

2. It is not in dispute between the parties that a joint patta has been initially granted in favour of the appellant, first respondent and yet another person. Thus the joint patta granted by the revenue authorities stood in the name of three persons. The appellant claims exclusive right over the common pathway, which is the subject matter involved in the patta proceedings. The claim of the appellant was considered by the Tahsildar. The other joint patta holders preferred an appeal before the Revenue Divisional Officer. The Revenue Divisional Officer reversed the order of the Tahsildar and cancelled the patta granted in the name of the appellant, since the civil suit has been instituted between the parties in O.S. No.116 of 2024 on the file of the Principal District Court, Cuddalore. The dispute regarding usage of common pathway exist between the parties. Thus, neither revenue authorities nor the High Court in exercise of powers of judicial review under Article 226 of the Constitution of India can adjudicate the disputed facts relating to civil rights.

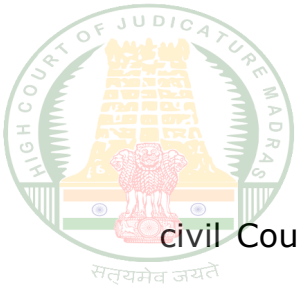


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3. The writ Court has considered the facts and made a finding that it is a common pathway and allowed the writ petition. The finding of the writ Court is that suit in question has been instituted by the appellant herein against the first respondent for declaration and permanent injunction with reference to the property in Survey No.18/1, which is a vacant site together with tiled house. Thus, the pathway in question is not the subject matter. Therefore, the order of the Revenue Divisional Officer is misconceived and suffers from non-application of mind.

4. This Court is of the considered view that whenever dispute relating to pathway arises and a civil suit is pending between the parties, the revenue authorities or the High Court in a writ proceedings cannot adjudicate the disputed issues on merits. However, it is brought to the notice of this Court that the common pathway is being used by all the three persons having property in the said area. Therefore, this Court is not inclined to unsettle the pathway which is being used by all the three persons as of now. The claim of the appellant for exclusive usage of the subject property deserves to be adjudicated in civil suit. It is for the other joint pattadhars to defend their case in the civil suit. Under these circumstances, there is no reason to interfere with the orders of the writ Court, which is in consonance with the principles and based on equity. The



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civil Court shall adjudicate the issues independently and uninfluenced by the observations made by the High Court on facts and decide the issues based on documents and evidences available on record.

5. With the above observation, the writ appeal stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
08.10.2025

Index:Yes
Neutral Citation:Yes/No
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To

- 1.The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.
- 2.The Tahsildar,
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**S.M.SUBRAMANIAM, J.
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MOHAMMED SHAFFIQ, J.**

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