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W.P.No.6970 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM :

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.6970 of 2021
and
W.M.P.No.7515 of 2021

V.Rajagopal

... Petitioner

Vs.

1.The District Collector,
Ariyalur District.

2.The District Revenue Officer,
Ariyalur District.

3.The Revenue Divisional Officer,
Ariyalur District.

4.The Tahsildhar,
Aandimadam Taluk,
Ariyalur District – 608 901.

5.The Block Development Officer,
Aandimadam Taluk,
Ariyalur District.

6.S.Arivazhagan
[R6 impleaded vide order dt0 05.02.2025 made in
W.M.P.No.32201/2023 in W.P.No.6970/2021] ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari, to call for the records related to



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the impugned order dated 12.02.2021 vide Na.Ka.Aa1/671/2020 issued by the 2nd respondent and to quash the same.

For Petitioner : Ms.G.Vaishali
for M/s.T.Fenn Walter Associates

For Respondents : Mr.C.Jayaprakash
Government Advocate [R1 to R5]
Ms.S.Vijaya
for M/s.Lane Legal [R6]

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 2nd respondent, dated 12.02.2021, classifying the property morefully described in the affidavit filed in support of this writ petition, as a pathway.

2. The petitioner claims that he is the owner of the property and patta was also issued in his favour and therefore, the impugned order classifying the property as ‘public pathway’ is incorrect.

3. The petitioner participated in the impugned proceedings, however the petitioner claims that he was not granted sufficient opportunity to produce all the relevant documents to substantiate the petitioner’s case that the subject property is not a public pathway, but it is



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the property owned by the petitioner. The petitioner also claims that the documents relied upon by the 2nd respondent in the impugned order were also not furnished to the petitioner in the enquiry proceedings.

4. A counter has been filed by the 2nd respondent reiterating the contents of the impugned order by stating that, by mistake during the UDR survey, the petitioner was granted patta for the subject property, which has been rectified under the impugned order by classifying the subject property as a 'public pathway'. According to the official respondents, from time immemorial, the property has been utilised by the villagers as a public pathway and hence, the petitioner is not entitled for issuance of patta in his favour.

5. The 6th respondent, who is also a villager in the very same area also claims that the villagers, including the 6th respondent, have been using the subject property only as a public pathway from time immemorial. Therefore, the 6th respondent also disputes the petitioner's claim that the property is a patta land.



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6. A detailed order has been passed by the 2nd respondent. As seen from the impugned order, the petitioner also participated in the enquiry proceedings. The petitioner claims before this Court that he was not afforded with sufficient opportunity by the 2nd respondent to produce all the relevant documents. Even before this Court, the petitioner has not placed on record any new document to substantiate the petitioner's case that he is entitled for issuance of patta in his name for the subject property.

7. This writ petition was filed in the year 2021 aggrieved by the impugned order passed by the 2nd respondent classifying the subject property as a public pathway. The 2nd respondent has also relied upon all the revenue records pertaining to the property and only thereafter, has come to the conclusion that the subject property is a public pathway. If the petitioner claims that he is the absolute owner of the subject property, he ought to have produced title deeds or other supporting documents to prove that he is the owner of the property. The suit filed by the petitioner seeking for permanent injunction before the civil court has also got dismissed for non-prosecution. Even though the learned counsel for the



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petitioner contends that an application has been filed seeking to restore the suit, which was dismissed for non-prosecution, till date, the said application has not been disposed of. When no additional documents have been filed by the petitioner before this Court in the form of title deeds to prove that the petitioner is the absolute owner of the property, the reasons given by the 2nd respondent under the impugned order for rejecting the petitioner's request has to be accepted by this Court.

8. If the case of the petitioner is a genuine one, the petitioner would have filed all the supporting documents at the earliest point of time. This writ petition is of the year 2021. Even till today, no additional documents have been filed by the petitioner and the petitioner continues to rely upon the very same documents that were relied upon by the petitioner before the 2nd respondent in the impugned proceedings.

9. The 6th respondent, who is a villager in the very same area has also stated that the subject proeprty is being used by the villagers for public pathway for time immemorial. The same has also been mentioned by the 2nd respondent under the impugned order.



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10. Since the petitioner has not been able to establish before this Court that he is the absolute owner of the property, the question of interfering with the impugned order, does not arise. This Court does not find any infirmity in the impugned order and does not find any merit in this writ petition.

11. Accordingly, this Writ Petition is dismissed. If at all the petitioner is still claiming right over the property, the petitioner will have to establish the same only before the civil court in a civil suit filed by the petitioner by placing oral and documentary evidence, since there are disputed question of facts involved. Hence, liberty is granted to the petitioner to raise all the contentions before the civil court to establish the petitioner's title over the property. No costs. Consequently, the connected miscellaneous petition is closed.

06.02.2026

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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ABDUL QUDDHOSE, J.

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