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W.A.No.1720 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1720 of 2026

AND

C.M.P.No.15691 of 2026

District Revenue Officer
District Collector's Office
Chengalpattu

Appellant(s)

Vs

V.Bragadeesh
S/o.P.N.Veda Narayanan
No.3, First Avenue
Indira Nagar, Chennai 600 020

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 19.12.2024 passed by the learned Single Judge in W.P.No.31697 of 2024.

For Appellant(s) : Mr. T.Gowthaman
Additional Advocate General
Assisted by Mr.Mohammed Fayaz Ali
Government Pleader

For Respondent(s) : Mr. V.Kuberan
for M/s.Rank Associates



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JUDGMENT

(Delivered by G.ARUL MURUGAN, J.)

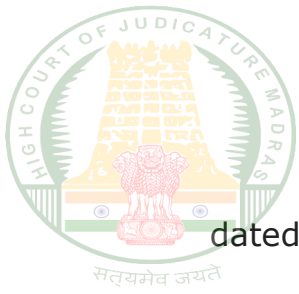
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This intra-Court appeal is preferred by the State, assailing the order dated 19.12.2024 in W.P.No.31697 of 2024, whereby the writ Court set aside the order of the appellant dated 28.02.2023 and directed issuance of exclusive patta to the respondent in respect of the land comprised in survey No.1243/18, No.45, Athur Madura Thimmavaram Village.

2.1. The brief facts are that the respondent claimed that an extent of 19 cents of land comprised in survey No.1243/18 of No.45, Athur Madura Thimmavaram Village, is exclusively used by him as pathway to reach the larger extent of land owned by him. One Chakrapani Iyengar had purchased vast extent of properties through a Sale Deed dated 17.07.1914, including the subject property which is used as a pathway.

2.2. By way of koor chit, the properties were partitioned and allotted to the family members of Chakrapani Iyengar and the subject pathway was to be enjoyed by the respective party allotted in the partition. The legal heirs of Chakrapani Iyengar, through a Sale Deed

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dated 16.09.1985, sold certain items of the properties inclusive of the subject pathway, in favour of the respondent's grandmother R.Pattammal. On the death of the said Pattammal, the property devolved on the respondent's mother as a sole legal heir and ultimately, it was inherited by the respondent.

2.3. The respondent's mother had applied for grant of patta. Pursuant to the enquiry conducted, a positive report recommending for grant of patta for the pathway measuring 13 feet in width and 481 feet in length to an extent of 6253 sq.ft. was submitted, wherein it was also recorded that the subject property was used by the respondent's mother as exclusive pathway to access her agricultural land.

2.4. Based on the report, the R.D.O., by order dated 27.12.2021, held that all the legal heirs of Chakrapani Iyengar are entitled to use the subject property as a common pathway. Aggrieved, the respondent's mother filed a revision before the appellant, wherein the request for grant of patta was rejected by order dated 28.02.2023, on the ground that the subject property was classified as 'Government poramboke vacant natham' and patta cannot be issued, which was assailed in the present writ petition.



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2.5. The learned single Judge observed that a perusal of the koor chit revealed that the properties referred to as common pathway in survey No.1068, meant to be exclusively used by Chakrapani Iyengar and his legal heirs and when it ultimately devolved upon the respondent's mother and, subsequently, vested with the respondent, no other person could have a claim over the subject property. The learned single Judge further observed that the impugned order suffers from total non-application of mind, as the reports of the authorities were not considered, and thereby had allowed the writ petition directing the appellant to issue an exclusive patta in favour of the respondent, which is challenged in the above appeal.

3. Mr.T.Gowthaman, learned Additional Advocate General, appearing for the appellant, contended that when admittedly the subject property is a vacant natham land, which is a pathway, no one could claim patta over it and the subject property was set apart as a pathway for communal purposes and classified as vacant poramboke, and, therefore, the impugned order directing to issue exclusive patta to the respondent is unsustainable and contrary to the settled decisions of this Court.



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4. He further contended that natham land set apart for common communal purposes, such as a pathway, are Government properties and cannot be in exclusive occupation of any one and, therefore, the order of the learned single Judge directing to grant patta by relying on self-serving document that the pathway was in exclusive occupation is wholly erroneous and unwarranted. He urged that the impugned order would result in a situation where other natham landowners and occupiers of properties adjoining the pathway would not be able to have access to the pathway, and in their absence, all their rights would be defeated and seeks interference of this Court.

5. Per contra, learned counsel appearing for the respondent contended that even though the subject property is a pathway, all along it has been in exclusive enjoyment of the respondent's vendor and the respondent and, therefore, since the natham land was in exclusive occupation of the respondent, he is entitled to patta. He further submitted that, none of the other property holders had used the pathway and they have no objection for grant of patta in favor of the respondent. The learned single Judge, by analysing the documents had concluded that the respondent was having exclusive right to use

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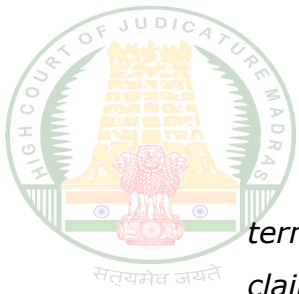
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and thereby, directed to issue exclusive patta, which cannot be found fault with, and sought for dismissal of the appeal.

6. Heard the rival submissions and considered the materials available on record.

7. The different classifications of natham land were dealt with by a Division Bench of this Court in the case of ***R.A.V. Kovil Annayya Charities vs. The District Collector, Tiruvallur and Others [(2024) 3 CTC 337]***, wherein it was concluded that in the grama natham used for communal purposes, no individual can claim right, but in natham used for inhabitation by putting up house, the Government cannot resort to the provisions of the Land Encroachment Act. The relevant portion reads as under:

"21. It would be clear that the Gramanatham or Natham Poramboke can be classified into three types. Firstly, the Natham which are inhabited by the villagers by putting up their house or being their pilakadai or kollai etc., which is their absolute property and the Government does not have any right, title or interest in the same. The second portion of the Gramanatham or those portions which may be used for communal purposes, such as street, thrashing floors etc. Once they are used for communal purposes, by virtue of Section 2 of the Act, they become the Government interest lands and as such, have to be



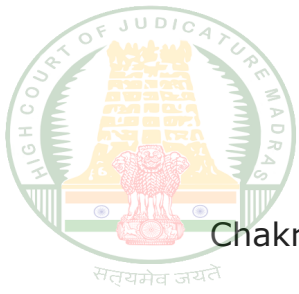
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termed as the other types of Poramboke, in which, no individuals can claim any title and any encroachment can be removed by invoking the provisions of the Act. The third type is the unoccupied portion of the Gramanatham land, in which the right is vested with the Government to regulate its occupation. The Government has the right to assign the unoccupied portion by ensuring the condition of residence eligibility etc., and it is only in this context, the Revenue Standing Orders, enabling the Government to impose conditions, assign only 3 cents lies."

8. The issue regarding the right of an individual already in occupation of natham lands has been settled by a Full Bench decision of this Court in the case of ***Kaman alias Kamatchi v. District Collector (2026 2 MLJ 499)***, wherein it was held that a person who is an inhabitant/occupant of grama natham land possesses absolute title.

9. In the instant case, the respondent claims exclusive right over an extent of 19 cents (6253 sq.ft.) comprised in survey No. 1243/18, which is admittedly a pathway measuring 13 feet in width and 481 feet in length. It is only the claim of the respondent that one Chakrapani Iyengar had vast extent of lands purchased by him through a sale deed dated 17.01.1914, who used this subject pathway exclusively to reach his lands. A Koor chit executed allotting the properties of



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Chakrapani Iyengar to the legal heirs and the sale deed dated 16.09.1985 executed by the legal heirs of Chakrapani Iyengar in favour of the respondent's grandmother Pattammal, are pressed into service to show the usage of the subject pathway over natham land.

10. A bare perusal of the FMB sketch for the property in survey No.1243/18 reveals that the property is having at least 35 sub-divisions and also shows a pathway. It could be seen that several properties in other sub-divisions viz., 1243/1, 1243/11 to 17, 1243/19 to 28 and 1243/31 lie adjacent to this subject pathway which has access to the pathway. When admittedly the natham land in survey No.1243/18 is a pathway/vacant land, the respondent owner claims to have an exclusive usage of it. All the property holders in the other survey numbers mentioned above are not parties before this Court. The documents through which they have purchased the properties, usage of this pathway to their properties and the rights granted in their favour, are all not before this Court.

11. The respondent merely contends that even though several properties are lying adjacent to the subject pathway, those landowners are not actually using the subject pathway and they have no objection



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to grant patta in favour of the respondent. A Government natham land set apart as pathway/street for communal purpose would always vest with the Government and no one can claim exclusive right or patta over such communal natham land. Admittedly, when the subject property is a pathway where the respondent claims exclusive usage through certain self-serving documents, it would not entitle the respondent to claim exclusive patta. While the respondent claim that his title documents grant him a right to use the pathway to access his properties, all other adjacent property owners may also possess an identical right of access through this pathway over the *natham* land.

12. It is to be noted that neither Chakrapani Iyengar nor the respondent's grandmother ever claimed any exclusive right over the subject pathway in the natham land and its usage was open to all. However, upon inheriting the property, the respondent's mother intended to claim an exclusive right over the pathway, claiming that it had been exclusively used by her vendor. No one could give a concession or consent to issue an exclusive patta over a pathway situated on communal natham land in favour of an individual. Any such consent even granted is not legal and is void.



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13. The pathway, having been admittedly classified as vacant natham, continues to vest with the State, where all the landowners and the public, including the respondent, would have open and free access to their properties through the subject pathway in survey No.1243/18. However, the learned single Judge, by analysing the documents relied on by the respondent alone and in the absence of any of the other adjacent landowners being arrayed as parties, merely based on certain recommendations made, came to a conclusion that the respondent's vendor and the respondent had been in exclusive occupation and they would be entitled to an exclusive patta.

14. In our considered opinion, the conclusion arrived at by the learned Single Judge, whereby the rights of the public and adjacent landowners over the pathway in Poramboke natham land are taken away by giving exclusive rights to an individual, cannot be sustained and is, therefore, liable to be interfered with.

15. Accordingly, the order dated 19.12.2024 passed by the learned single Judge is set aside, and the writ appeal stands allowed. It is made clear that the pathway in survey No.1243/18 shall be



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classified as a Government pathway, which shall remain open to use by the general public and all adjacent landowners, including the respondent herein, and the land shall be always maintained as a pathway. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
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