

Can a Homeowner Block Off a Shortcut Through His Property?

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Question: Reuven has always allowed his neighbors to walk through his yard as a shortcut. He now wants to build an extension onto his house, which will eliminate the shortcut. His neighbor says he is not allowed to take away the path that he uses every day. Is he correct?

Answer: If you ever let people use your property as a shortcut, it's a good idea to make an announcement and to clarify to everybody that you do not allow them to make a *chazakah*. This is because the Gemara says that if people become accustomed to using a shortcut and no one stops them from doing so, it is forbidden to destroy that path. Accordingly, it would seem that Reuven is stuck. In this instance, he was too nice.

Practically speaking, however, some contemporary Poskim say that our times may be different because all properties today are registered with the county clerk. Because of this, the public cannot make a *chazakah* without registering the property as a public space. Of course, it isn't practical for them to register the property since it is owned by the homeowner. In any case, however, the fact that the property is only registered in Reuven's name may mean that no one else is able to make a *chazakah* on it and he, therefore, would be allowed to eliminate the shortcut.