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WP No. 24045 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 24045 of 2026

AND

WMP NO. 26159 OF 2026, WMP NO. 26157 OF 2026

P. Malaiyappan
S/o.Ponnambalam,
47/63, mullathottam, virudhachalam, Tamilnadu -
606001.

..Petitioner(s)

Vs

1. The District Collector
First Floor, New Collectorate Building,
collectorate, manjakuppam, cuddalore - 607001.
2. The Revenue Divisional Officer
Vridhachalam main raod, cuddalore, Tamilnadu
- 606001.
3. The Tahsildar,
Vridhachalam main road, cuddalore, Tamilnadu
- 606001.
4. Special Tahsildar
Town/natham revenue assessment scheme,
vridhachalam taluk, cuddalore main road,
Tamilnadu - 606001.
5. Draupadi amman koil
vridhachalam, Tamilnadu - 606001.

..Respondent(s)



Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration to (1) declare the proceedings of the 1st respondent in Na.Ka V3/4233152/2026 dated 10.02.2026 as illegal (2) declare the proceedings of the 2nd respondent in MhU.MU.A4/215/2026 dated 06.03.2026 as illegal (3) consequentially direct the 4th respondent to issue permanent patta to the petitioner for S.No.76/2, old S.No.103, block 7, ward E, Vridhachalam town, cuddalore District and (4) pass such/further orders as this Honble Court may deem fit and proper on the facts and circumstances of this case and render justice.

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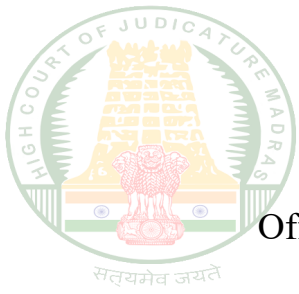
For Petitioner(s): G.Surya Narayanan

For Respondent(s): Mr.K.Surendar, Ga

Order

(Order of the Court was made by Dr.G.Jayachandran J.)

- (1) Mr.K.Surendar, learned Government Advocate accepts notice on behalf of the respondents. By consent, the main writ petition is taken up for final disposal.
- (2) The petitioner herein, being aggrieved by the cancellation of patta issued to him in respect of TS.No.76/1 [Old S.No.103], is before this Court, challenging not the order of the District Collector, who issued the proceedings dated 09.02.2026, directing the Revenue Divisional Officer, to conduct an enquiry and cancel the patta, but the Revenue Divisional



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Officer's impugned order, dated 06.03.2026, cancelling the patta duly granted in favour of the petitioner herein.

- (3) According to the learned counsel for the petitioner, in respect of the said property, the petitioner has already initiated a civil suit in OS.No.460/2025, before the Additional Sub Court, Cuddalore, seeking declaration and permanent injunction. The suit is pending. Learned counsel further submitted that earlier, proceedings were initiated under Sections 7 and 8 of the Tamil Nadu Land Encroachment Act, 1905, in respect of the land in S.No.76/1, which according to the Government, is 'sarkar poramboke' and the said proceedings is now the subject matter of the Special Leave Petition pending before the Hon'ble Supreme Court. In the said circumstances, the authorities, in stead of waiting for the outcome of the suit and the Special Leave Petition, had proceeded to cancel the patta issued in favour of the petitioner herein. Hence, the learned counsel prayed that the order cancelling the patta, is to be quashed as illegal with a consequential direction to the 4th respondent herein, namely, the Special Tahsildar, to issue permanent patta to the petitioner.

- (4) The learned Government Advocate appearing for the official respondents, on the other hand submitted that the old revenue records indicate that the



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old S.No.103, belongs to Draupathi Amman Temple and is classified as ‘Government Poramboke’. Later, during UDR process, the Tahsildar, has issued patta to the petitioner herein in patta No.334, mentioning the property in TS.No.76/2 as “ சர்க்கார் மனை ” and whereas, the General Notification effecting settlement of Natham sites or village sites and agricultural lands used for non-agricultural purpose in the area of Tamil Nadu except in the area of Old Madras City, had specified that vacant site in Natham or Village Site at the disposal of the Government and all public properties such as road, street, channel, chavadi, hospitals, cart stand, cattle stand, pathway, threshing floor etc., in Natham or Village site, to be distinguished and recorded as road, street, channel, poramboke etc., as it is found and the land belongs to various institutions like temple, church, mosque, school with playground etc., will be distinguished and recorded in records accordingly. While so, the patta relied on by the writ petitioner in respect of the Government poramboke land held by Draupathi Amman temple, was wrongly granted by the Tahsildar in contravention to the aforesaid Notification. Hence, the District Collector, vide his proceedings dated 10.02.2026, recording the said reason, directed the Revenue Divisional Officer, to conduct enquiry, afford an opportunity to the writ petitioner and pass appropriate orders. Accordingly, the



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Revenue Divisional Officer, after conducting enquiry, cancelled the patta issued in favour of the petitioner, vide impugned proceedings dated 06.03.2026. Therefore, the learned Government Advocate submitted that there is no illegality or error in the impugned order cancelling the patta. He would further add that if at all the writ petitioner could establish any right for getting patta, he can do so in the pending suit where he has sought for a declaration and permanent injunction.

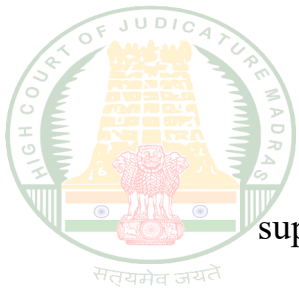
- (5) After hearing the learned counsel for the petitioner and the learned Government Advocate for a considerable time and on perusing the records, we are able to find that the land in dispute in fact, is a temple land classified as 'Government Poramboke'. This fact, we could find from the title document relied on by the writ petitioner himself. One Mr.Nathan Pillai, who is the predecessor in title, had sold the superstructure of the temple land to one Mr.Ragavan, specifically mentioning in the recital of the Sale Deed dated 07.10.1982, that the land belongs to Draupathi Amman Temple and he as a tenant, paying the ground rent, constructed the superstructure, namely, a Mangaluru tiled building with workshop, has alienated the superstructure alone after receiving the sale consideration mentioned. The petitioner herein also admits this fact in his plaint in OS.No.460/2025, on the file of the



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Additional Sub Court, Cuddalore, wherein he has stated that the land which originally belongs to the Government, was in possession of is predecessor in title, namely, Mr.Nathan Pillai, who had improved the land and was running a diesel motor workshop. From him, one Ragavan purchased the property in the year 1982 and on the demise of Ragavan, his son Mr.Senthil Kumar, sold the property to the writ petitioner on 03.02.2016. Therefore, even in his own title document, a mention was made only in respect of the superstructure and not in respect of the ground. In the said circumstances, during the UDR process, the petitioner has obtained patta which is found to be erroneous and contrary to the Rules and Regulations and hence, the same has been cancelled.

- (6) Therefore, we do not find any error in the orders passed by the District Collector as well as the Revenue Divisional Officer, which are impugned in the present writ petition. It is always open to the writ petitioner to establish his long possession and entitlement to get patta if he otherwise deserves to get as per the existing law. As on date, the patta which was granted to him erroneously, was cancelled and the same cannot be faulted just because his predecessors were in possession of the same for more than 70 years, more particularly, when his predecessors in title never claimed right over the ground, but only claimed right over the



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superstructure upon the said ground, admitting the title and classification in favour of Draupathi Amman Temple and the Government respectively.

Further, the patta granted to the writ petitioner is only a tentative or rough patta and not a permanent patta.

- (7) For all the aforesaid reasons, we find no merit in the writ petition and hence, the writ petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(G.J.,J.) (N.M.,J.)
30-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AP

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