



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.255, 16962, 16963, 16964, 16965,
16970, 16971, 16972, 17362,
17363, 17364 of 2003
and 46759 of 2002

1. Dhanalakshmi alias Lakshmi
2. Gandhimathi ...Petitioners in W.P.No.255 of 2003
3. Nachammal (Died)
P2 to P5 substituted as Lrs of
Deceased Sole Petitioner
- P2. P.Marappan
W/o. Nachammal
- P3. M.Kalyani
D/o. Nachammal
- P4. M.Palanisamy
S/o. Nachammal
P2 TO P4 are residing at
24/70 Sengundhapuram
3rd Cross Karur-2.
- P5. S.Saradha
W/o. Selvaraj D/o. Nachammal
30 Pandarinathan Street Karur-1.
- (P2 TO P5 Substituted as LRs of deceased sole
Petitioner vide order Dt 18.11.2021 made in
Crl.M.P.No.172 of 2013 in W.P.No.16962/2003)
...Petitioners in W.P.No.16962 of 2003
4. Gandhimathi ...Petitioners in W.P.No.16963 of 2003
5. M.Subramani ...Petitioners in W.P.No.16964 of 2003
6. P.Selvaraj (Deceased)
P2 to P5 substituted as Lrs of
Deceased Sole Petitioner



P2. Mrs.Saradha
W/o.Late P.Selvaraj

P3. S.Goutham
S/o.Late P.Selvaraj

P4. Mr.Palaniyappan
S/o.Late P.Selvaraj

P5. Meenakshi
S/o.Late P.Selvaraj

P2 TO P5 are residing at No.4
Abirami Apartment
L.N.Samuthiram Village
Karur Taluk And District.

(P2 TO P5 Substituted as LR's of deceased sole
Petitioner vide order Dt 18.11.2021 made in
Crl.M.P.No.720 of 2008 in W.P.No.16965 of 2003)

...Petitioners in W.P.No.16965 of 2003

7. V.Mayavan ...Petitioners in W.P.No.16970 of 2003

8. R.Shanmugam ...Petitioners in W.P.No.16971 of 2003

9. S.Nallammal ...Petitioners in W.P.No.16972 of 2003

10. N.Nallasamy ...Petitioners in W.P.No.17362 of 2003

11. R.Muthusamy ...Petitioners in W.P.No.17363 of 2003

12. S.Palanisamy ...Petitioners in W.P.No.17364 of 2003

13. V.V.Ganapathy ...Petitioners in W.P.No.46759 of 2002

Vs

1. Special Commissioner and
Commissioner for Land Administration,
Chepauk, Chennai - 600 005.

2. District Collector,
Karur District at Karur.

W.P.No.255 of 2003
W.P.No.16962 of 2003
W.P.No.16963 of 2003
W.P.No.16964 of 2003
W.P.No.16965 of 2003
W.P.No.16970 of 2003
W.P.No.16971 of 2003
W.P.No.16972 of 2003



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3. S.Manivel

W.P.No.17362 of 2003
W.P.No.17363 of 2003
W.P.No.17364 of 2003

W.P.No.255 of 2003 and
W.P.No.46759 of 2002
Respondents

Common Prayer in W.P.Nos.255 of 2003 and 46759 of 2002: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the Special Commissioner and Commissioner for Land Administration, Chepauk, Chennai - 5 dated 03.09.2002 and made in Pa.Mu.K.4/11473/2002, the first respondent herein and the proceedings of the District Collector, Karur District made in Na.Ka.2/738/2002, dated 19.02.2002 the second respondent herein and quash the same.

Common Prayer in W.P.Nos.16962, 16963, 16964, 16965, 16970, 16971, 16972, 17362, 17363, 17364 of 2003: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the proceedings of the Special Commissioiner and Commissioner for Land Administration, Chepauk, Chennai-5 and made in Ni.Mu.K4/42262/2000 dated 13.05.2003 the first Respondent herein and the quash the same in so far with respect to the lands of the petitioner comprised in S.No.135/8, 135/9 and 135/10 in W.P.No.16962 of 2003, S.No.135/7 in W.P.No.16963 of 2003, S.No.135/3 and 135/4 in W.P.No.16964 of 2003, S.No.135/5 and 135/6 in W.P.No.16965 of 2003, S.No.265/10 in W.P.No.16970 of 2003, S.No.265/11 in W.P.No.16971 of 2003, S.No.265/15 in W.P.No.16972 of 2003, S.No.265/12 in W.P.No.17362 of 2003, S.No.265/14 in W.P.No.17363 of 2003, S.No.265/13 in W.P.No.17364 of 2003 respectively Achamapuram Village, Karur Taluk and District is concerned.

For Petitioners: Mr.D.Krishnapradeep
For Mr.N.Damodharan
[In all WPs]

For Respondents: Mr.C.Selvaraj
Additional Government Pleader
[For R1 and R2]
[In all WPs]

Mr.Saravanan
For Mr.M.Sudhakar
[For W.P.Nos.255 of 2003 and
46759 of 2002]



C O M M O N O R D E R

The order passed by the first respondent / Special Commissioner and Commissioner for Land Administration, cancelling the patta granted in favour of the petitioner is under challenge in the present writ petition.

2. The findings of the first respondent reveals that while granting patta, the genuinity of the claim of the petitioners and the landscape classification environment, as the subject property falls in the riverbeds of Amaravathy and Cauvery, were not considered. Therefore, the patta granted by the second respondent was cancelled.

3. Admittedly, the subject property falls in the riverbeds of Cauvery and Amaravathy. Therefore, the Government Authorities are expected to exercise caution while granting patta. All necessary documents, viz., survey inspection and revenue records must be verified for grant of patta. The petitioners claim title in respect of the subject property.

4. The learned counsel appearing on behalf of the petitioners states that the Civil Suit has already been instituted and the same is pending before the Competent Civil Court.

5. This Court is of the considered opinion that the patta is to be granted in accordance with the provisions of the Tamil Nadu Patta Pass Book Act, 1983. In the present case, the second respondent initially granted patta in favour of the petitioners and the first respondent cancelled the said patta on the ground that it was granted without conducting proper enquiry and without verifying the revenue records, environment and other aspects of the matter. Meanwhile, the petitioners also filed the Civil Suit.

6. Thus, the petitioners are bound to establish their title or ownership in respect of the subject property. Only if the title is established through documents and other evidences before the competent Civil Court of Law, the revenue authorities would be in a position to consider the case of the writ petitioners for grant of patta. If there is no dispute in respect of title, then alone the competent authorities are empowered to grant patta, otherwise the revenue authorities are incompetent to decide the title or ownership in respect of the immovable property.

7. Section 3(1) of the Tamil Nadu Patta Pass Book Act, 1983, enumerates that the Tahshildar shall issue a patta pass book to every owner in respect of land owned by him, on an



application made by him in this behalf. Thus, a person, who is submitting an application for grant of patta must be owner. If there is any dispute in respect of ownership or title, then the parties must be permitted to approach the competent Civil Court of Law for the purpose of establishing their right.

8. The said procedure also contemplate under Sub-Rule 4 of the Tamil Nadu Patta Pass Book Rules, 1983 states that in the event of Tahsildar being satisfied that a dispute concerning ownership of patta is already pending in a Court or issues are raised before him, which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, he shall direct the concerned parties to obtain a ruling on ownership from the Civil Court having jurisdiction before changing the entries already recorded and existing in the various revenue records.

9. In the present case, the patta was granted in respect of the subject property, admittedly situated in the riverbeds of Cauvery and Amaravathy. Thus, all the revenue records are to be carefully scrutinised by the competent authority and only in the event of establishing the title by the petitioners before the competent Civil Court of Law, such grant of patta is to be considered and not otherwise.

10. This being the principles to be followed, the petitioners are at liberty to continue the contest of Civil Suit already instituted by them and after reaching finality, the petitioners are at liberty to submit a fresh application for effecting changes in the revenue records. In the event of filing any such application based on the Civil Court decree, the revenue authorities shall act by verifying the Government revenue records and other aspects of the matter in the manner known to law.

11. With these observations, all the writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nti/vs



To

1. The Special Commissioner and
Commissioner for Land Administration,
Chepauk, Chennai - 600 005.

2. District Collector,
Karur District at Karur.

+1cc to Mr.I.Abrar Md Abdullah, Advocate, S.R.No.59382

+12cc to Mr.N.Damodaran, Advocate, S.R.No.59724

W.P.Nos.255, 16962, 16963, 16964,
16965, 16970, 16971, 16972, 17362,
17363, 17364 of 2003 and 46759 of 2002

VBM(CO)

RGA(17/12/2021) (29/12/2021)