IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-09-2025**

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM**
**AND**
**THE HONOURABLE MR JUSTICE C. SARAVANAN**

**WA No. 647 of 2025**
**and**
**CMP No. 5281 of 2025**

P.Mani

Appellant(s)

Vs

1.M/s.VGP Beach Housing
Rep. by its Partner,
Mr.V.G.P.Babudas,
VGP Square, No.21,
Dharmaraja Koil Street,
Saidapet, Chennai-37.

2.The District Revenue Officer
Chennai District.

3.The Revenue Divisional Officer
Chennai District.

4.The Tahsildar
Sholinganallur Taluk,

Chennai District.

Respondent(s)

**PRAYER**

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the impugned order dated 19.11.2024 passed in WP No. 13327 of 2024.

For Appellant(s): N.Nithianandam

For Respondent(s): M.V.Seshachari
For M/s.Lencorp Legal For R1
Mrs.Akila Rajendran,GA
For R2 to R4

**JUDGMENT**

**(Judgment was delivered by S.M.Subramaniam J.)**

The order of the Writ Court dated 19.11.2024 passed in the W.P.No.13327 of 2024 is under challenge in the present Intra-Court Appeal. The appellant is the $4^{th}$ respondent in the writ petition.

2. The $1^{st}$ respondent preferred the writ petition challenging the order passed by the District Revenue Officer (DRO), Chennai District dated 24.03.2023. The learned counsel for the appellant would mainly contend that

the 1st respondent purchased the subject property from Mrs.M.S.Rajeswari in the year 1979. However, the District Revenue Officer found that the patta stood in the name of Mrs.M.S.Rajeswari. The 1st respondent filed a writ petition to quash the proceedings dated 24.03.2023 passed by the 2nd respondent. The relief sought for before the District Revenue Officer to cancel the patta stood in the name of Mrs.M.S.Rajeswari and restore the patta in the name of the appellant. The District Revenue Officer conducted an inquiry and allowed the appeal filed by the appellant.

3. The learned counsel for the 1st respondent contended that order was passed without hearing 1st respondent. Therefore, the order passed by the District Revenue Officer is to be set aside. The learned Single Judge allowed the writ petition by setting aside the order passed by the District Revenue Officer in proceedings dated 24.03.2023.

4. The facts are controverted between the parties, more specifically between the appellant and 1st respondent. The appellant claims that he is the

owner of the property. The 1st respondent states that they purchased the subject property from Mrs.M.S.Rajeswari in the year 1979 and they have not been heard by the District Revenue Officer. The District Revenue Officer found that the name of the 1st respondent was not available in the revenue records and the deceased Mrs.M.S.Rajeswari was the patta holder. On that pretext, the adjudication was proceeded and appeal filed by the appellant was allowed.

5. The learned Government Advocate appearing on behalf of the respondents 2 to 4 brought to the notice of this Court that the 1st respondent filed O.S.No.257 of 2003 suit for bare injunction which was dismissed for default.

6. Let us consider the scheme under the Tamil Nadu Patta Pass Book Act, 1983. The issue in the present case relating to restoration of original patta. Section 3 of the Act speaks about "Issue of patta pass book". Sub Section (1) contemplates that "The Tahsildar shall issue a patta pass book to every owner in respect of the land owned by him, on an application made by him in this behalf.

Any application received under this Section shall be acknowledged by the Tahsildar or any other officer authorized by him in this behalf".

7. The Tamil Nadu Patta Pass Book Rules, 1987 framed in exercise of the powers conferred under Sub Section (1) of Section 22 of the Act, prescribes the procedure to be followed on receipt of an application or information and adjudicate the same as contemplated under the Rules. Thus, it is amply clear that owner of the property alone is entitled to submit an application seeking patta.

8. Establishing ownership/title is essential for entertaining an application under the Patta Passbook Act. In the event of any dispute or objection by any other person, the authorities are left with no other option but to relegate the parties to resolve the issues through Civil Court of Law.

9. In this context, proviso Clause to Section 14 of the Act denotes that *"if any person is aggrieved as to any right of which he is in possession, by an entry*

*made in the patta pass book under this Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963 and the entry in the patta pass book shall be amended in accordance with any such declaration".*

10. The very purpose and object of the above provision needs to be considered, since many number of writ petitions have been filed to resolve the property disputes, grant of patta or cancellation of patta or for mutation of revenue records. It requires an adjudication and verification of revenue documents. Therefore, passing an order merely based on document produced between the parties would be insufficient, since an adjudicatory process is to be undertaken by the Revenue Authorities and if not resolved thereafter by the Competent Civil Court of Law. Issues relating to property rights are to be adjudicated in a trial nature proceedings and that exactly is the reason why the Act and Rules contemplate that an aggrieved person should approach the Civil Court of Law.

11. Exhausting the statutory remedy contemplated under the Act is of paramount important. Patta is to be granted only in the event of establishing ownership. If any dispute exists, the only remedy is to approach the Civil Court and not the Writ Court. Therefore, Writ Courts are expected to exercise restraint in entertaining writ petitions relating to patta proceedings under the Patta Pass Book Act, 1983. Such disputes are to be relegated to the Civil Court. Writ petitions challenging the orders of revenue authorities are to be examined only in the context of the procedures followed, whether in consonance with the Act and Rules, but not the decision.

12. However, the entire facts raised between the parties relating to civil rights cannot be adjudicated by the Writ Court. Admittedly, the District Revenue Officer himself has relegated the parties to approach the Competent Civil Court to resolve the issues for the purpose of grant of patta or to cancel the same.

13. In such circumstances, this Court necessarily has to take a pragmatic approach. If the matter is remanded back for fresh adjudication by the District

Revenue Officer, it will result in multiplicity of proceedings. Contrarily, it would be beneficial for the parties to avoid multiple litigations, if the parties are relegated to approach a Civil Court in order to get complete quietus on the disputed issues and establish their civil rights in the manner known to law.

14. In view of the fact that the parties are yet to establish their civil rights for grant of patta or cancellation of patta, they are at liberty to approach the Competent Civil Court of Law in the manner contemplated.

15. With these observations, the Writ Appeal stands disposed of. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

**(S.M.SUBRAMANIAM J.)(C.SARAVANAN J.)**
**10-09-2025**

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No

Jeni

To

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